



# **Minutes**

**Ordinary Council Meeting Thursday 27 June 2024**

**4.30 pm in Council Chambers, Nannup**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyrighted material.

Any statement, comment or decision made at a Council meeting regarding any application for approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Nannup must obtain, and should only rely on, written notice of the Shire of Nannup's decision and any conditions attaching to the decision and cannot treat as an approval of anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of Nannup on the operation of a written law, or the performance of a function by the Shire of Nannup, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as legal advice or representation by the Shire of Nannup. Any advice on a matter of law or anything sought to be relied upon as a representation by the Shire of Nannup should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.

---

Contents

<b>1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT OF COUNTRY:</b>	3
<b>2. ATTENDANCE/APOLOGIES:</b>	3
<b>2.1 ATTENDANCE</b>	3
<b>2.2 APOLOGIES</b>	3
<b>3. PUBLIC QUESTION TIME:</b>	3
<b>4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:</b>	6
<b>4.1 APPROVED LEAVE OF ABSENCE:</b>	6
<b>4.2 APPLICATION FOR A LEAVE OF ABSENCE:</b>	6
<b><i>COUNCIL RESOLUTION 24069</i></b>	6
<b>5. CONFIRMATION OF MINUTES:</b>	7
5.1 Shire of Nannup Ordinary Council Meeting – 23 May 2024	7
<b><i>COUNCIL RESOLUTION 24070</i></b>	7
5.2 Shire of Nannup Local Drug Action Group – 21 May 2024	7
<b><i>COUNCIL RESOLUTION 24071</i></b>	7
<b>6. ANNOUNCEMENTS FROM PRESIDING MEMBER:</b>	8
<b>7. DISCLOSURE OF INTEREST:</b>	8
<b>8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:</b>	8
<b>9. PRESENTATIONS/DEPUTATIONS/PETITIONS:</b>	8
<b>10. REPORTS BY MEMBERS ATTENDING COMMITTEES:</b>	8
<b>11. REPORTS OF OFFICERS:</b>	9
11.7 – Submissions on 2024/25 Differential Rates and Minimum Rate	9
<b><i>COUNCIL RESOLUTION 24072</i></b>	16
11.1 - Amendment No.1 to the Shire of Nannup Local Planning Scheme No. 4: Submitted for Adoption	17
11.2 – Modifications to various Local Planning Policies: Submitted for final adoption.....	24
<b><i>COUNCIL RESOLUTION 24074</i></b>	27
11.3 - Amendment No.2 to the Shire of Nannup Local Planning Scheme No. 4: Submitted for Adoption	28
11.4 – Delegated Planning Decisions for May 2024	34
<b><i>COUNCIL RESOLUTION 24076</i></b>	36
11.5 – Play Pockets Shared Use Path DLGSC.....	37
<b><i>COUNCIL RESOLUTION 24077</i></b>	39
11.6 – Payment of Accounts – May 2024	40
<b><i>COUNCIL RESOLUTION 24078</i></b>	42

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:..... 43**  
**13. MEETING MAY BE CLOSED: ..... 43**  
**14. CLOSURE OF MEETING: ..... 43**

-

## MINUTES

### 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT OF COUNTRY:

The Shire President declared the meeting open at 4.30 pm and welcomed the public gallery.

The Shire President acknowledged the land's traditional custodians, the Wardandi and Bibbulmun people, paying respects to Elders past, present, and emerging.

### 2. ATTENDANCE/APOLOGIES:

#### 2.1 ATTENDANCE

Councillors	Officers
Cr Tony Dean (Shire President)	David Taylor – Chief Executive Officer
Cr Vicki Hansen (Deputy President)	Damon Lukins – Manager Infrastructure
Cr Cheryle Brown	Kim Dolzadelli – Executive Manager Corporate Services
Cr Patricia Fraser	Jane Buckland – Development Services Coordinator
Cr Ian Gibb	Sarah Dean – Governance Officer
	Lisa Atkinson – Executive Support Officer

#### Public Gallery

Shelley Marrison, Phil Hewitt, Brian Gatfield, Lois Gatfield, Geoff Allam, Michael Pickup, Robin Lorkiewicz, Isabel Green, Jim Green, Lyn Curtis, Kieran Curtis.

#### 2.2 APOLOGIES

Nil.

### 3. PUBLIC QUESTION TIME:

#### Lyn Curtis, Barrabup Road

**Question 1:** Can you confirm which other properties in Nannup have had a differential rate applied, or is it just short-term accommodation that has had this rate applied?

**Answer 1:** CEO David Taylor responded that there are three differential rating categories; one is GRV Short Term and one is GRV Industrial; and both of them have had their rates increased. The third is GRV General. On the Unimproved Value (UV) side there is UV General and UV Plantations. All of the rate categories have increased; and GRV short term, UV Plantation, GRV

---

Industrial have increased more than the other categories. This is the second rate rise since 2022 for those differential rate categories. The main street is GRV General rate category.

**Question 2:** Is it possible for Council to target Airbnb properties in the Shire with an increased differential rate so it does not affect the residents who live in Nannup and have short term accommodation as their primary business?

**Answer 2:** Executive Manager Corporate Services Kim Dolzadelli responded that the Local Government Act 1995 and associated regulations, unfortunately, don't allow for a determination to be made based upon whether a person lives within the district. Ratepayers could apply for a concession, but it would probably not be granted solely based on the applicant residing permanently in the district.

**Question 3:** The Nannup Shire released an investment prospectus which states that there is significant and growing demand for accommodation of all types in Nannup. In the same prospectus it states that any investment to expand the available housing both short term and long term, would be highly supported by the Shire. Can you please clarify how increasing the Rates for Short term Accommodation by such a significant amount supports the existing or potential developments in our Shire to Meet the shortfall of housing?

**Answer 3:** The CEO responded that the Council are trying to encourage the development of all types of accommodation in the Shire.

**Question 4:** Are you aware that accommodation providers must comply with State government registration procedures? Our expansions to existing businesses are potentially costly, expenses that include bush fire management and evacuation plans. If compliance is not met the developer, then must spend the money to gain compliance which is often costly in the removal of trees, adding additional water tanks, exit points etc.

**Answer 4:** The Shire President responded that the Council was aware that there are expenses involved in establishing and improving small businesses.

**Question 5:** Is the Shire a part of the Small Business Friendly Program operated by the Small Business Development Corporation?

**Answer 5:** The CEO responded that the Shire is a part of the Small Business Friendly Program.

**Shelley Marrison, Broadlea Rise**

**Question 1:** The 3% concession in agenda item 11.7 – Submissions on 2024/25 Differential Rates and Minimum Rate; is that final?

**Answer 1:** The CEO responded that at the meeting today Council was to be asked to consider and acknowledge the submissions made during the 2024/25 Differential Rate and Minimum Rate. The final rate will be adopted by Council when they endorse the 2024/25 budget, which Shire officers are aiming to have to Council for consideration by mid to late July.

**Question 2:** Where does the rate rise come from?

**Answer 2:** The CEO responded that the business expenditure of the Shire and what the Shire would like to achieve in the year and the short fall determines the required rate rise; in practice, rises are always required.

**Question 3:** Why do accommodation providers not get a discount on their rates for providing a service to the Shire?

**Answer 3:** The CEO responded that the Shire spend a large amount of funds on promoting the Shire and bringing people into town; and the existing accommodation businesses get a flow on effect from this marketing that is of financial benefit to them in terms of increased occupancy rates.

**Question 4:** Are there plans by the Council for a commercial differential rate?

**Answer 4:** The Shire President responded that at this stage there was not.

**Question 5:** What is the date that rates will be raised? Will time be given for postage allowance?

**Answer 5:** The CEO responded that the date that rates are raised; the Shire then print and distributes the rates notice and allow time for them to be paid on top of the statutory due dates in order to allow for postage.

**Geoff Allam, Vasse Highway**

**Question 1:** The two footbridges over Carlotta Brook and Nannup Brook, when are they scheduled to start?

**Corrected Answer 1:** The initial response was corrected during the meeting. The Manager Infrastructure responded that the project is still awaiting Main Roads approval as there were additional design requirements and the community will be informed when construction is to begin.

#### **4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:**

##### **4.1 APPROVED LEAVE OF ABSENCE:**

Nil.

##### **4.2 APPLICATION FOR A LEAVE OF ABSENCE:**

###### **EXECUTIVE RECOMMENDATION:**

That Council endorse Cr Dean's application for leave of absence from 30 June 2024 to 15 July 2024.

###### **EXECUTIVE RECOMMENDATION:**

That Council endorse Cr Gibb's application for leave of absence from 2 October 2024 to 29 October 2024.

*Both Cr Dean and Cr Gibb's applications for leave of absence were moved via en bloc resolution.*

###### **COUNCIL RESOLUTION 24069**

**MOVED: CR HANSEN**

**SECONDED: CR BROWN**

***That Council endorse Cr Dean's application for leave of absence from 30 June 2024 to 15 July 2024; and Cr Gibb's application for leave of absence from 2 October 2024 to 29 October 2024.***

**CARRIED**

**TOTAL VOTES FOR: 5**

***Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.***

**TOTAL VOTES AGAINST: 0**



---

**5. CONFIRMATION OF MINUTES:**

---

## 5.1 Shire of Nannup Ordinary Council Meeting – 23 May 2024

**EXECUTIVE RECOMMENDATION:**

That the Minutes from the Ordinary Meeting of Council held 23 May 2024 be confirmed as a true and correct record (attachment 5.1).

**COUNCIL RESOLUTION 24070****MOVED: CR HANSEN****SECONDED: CR BROWN**

*That the Minutes from the Ordinary Meeting of Council held 23 May 2024 be confirmed as a true and correct record (attachment 5.1).*

**CARRIED****TOTAL VOTES FOR: 5*****Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.*****TOTAL VOTES AGAINST: 0**

## 5.2 Shire of Nannup Local Drug Action Group – 21 May 2024

**EXECUTIVE RECOMMENDATION:**

That the Minutes from the Local Drug Action Group meeting held on 21 May 2024 be received (attachment 5.2).

**COUNCIL RESOLUTION 24071****MOVED: CR HANSEN****SECONDED: CR GIBB**

*That the Minutes from the Local Drug Action Group meeting held on 21 May 2024 be received (attachment 5.2).*

**CARRIED****TOTAL VOTES FOR: 5*****Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.*****TOTAL VOTES AGAINST: 0**

---

## 6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

---

Nil.

## 7. DISCLOSURE OF INTEREST:

---

Cr Brown declared a proximity interest in agenda item 11.1 – Amendment No. 1 to the Shire of Nannup Local Planning Scheme No. 4: Submitted for Adoption as she has a shared boundary with a property affected by the proposed amendment.

Cr Brown declared a financial interest in agenda item 11.3 – Amendment No.2 to the Shire of Nannup Local Planning Scheme No. 4: Submitted for Adoption as she has a property in the area that may be affected by the amendment.

Cr Gibb declared an impartiality interest in agenda item 11.4 – Delegated Planning Decisions for May 2024 as he is a company director who was granted development approval in May.

The Shire of Nannup Disclosure of Interest Register is on our website [here](#).

## 8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:

---

Nil.

## 9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

---

Nil.

## 10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

---

Meeting	Date	Councillor
Local Drug Action Group	25 June	Hansen, Brown
Nannup Chamber of Commerce & Industry	5 June	Brown
Warren Blackwood Alliance of Councils	4 June	Dean
Sustainability Advisory Committee		Dean
Western Australian Local Government Association	29 May	Dean
Western Australian Local Government Association – South West Zone		Dean

## 11. REPORTS OF OFFICERS:

The Shire President moved agenda item 11.7 – Submissions on 2024/25 Differential Rates and Minimum Rate to the beginning of the reports of officers so those present at the meeting in the public gallery for said item could leave after Council had voted.

AGENDA NUMBER & SUBJECT:	11.7 – Submissions on 2024/25 Differential Rates and Minimum Rate
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	RAT1
AUTHOR:	Kim Dolzadelli - Executive Manager Corporate Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 June 2024
ATTACHMENTS:	11.7.1– Differential Rating Proposal 2024/25 Statement of Objects and Reasons 11.7.2 – Submissions on proposed 2024/25 Differential Rates and Minimum Rate

### PURPOSE:

For Council to consider submissions to the proposed differential general rates and the minimum rate for the 2024/25 financial year.

### BACKGROUND:

Council at its Special Council Meeting on 29 April 2024 endorsed the public advertising of the below differential general rates and minimum rate for the 2024/2025 financial year:

**Table 1.**

2024/25	Proposed Rate-in-the-Dollar	Minimum Rate
<b>Gross Rental Values (GRV)</b>		
GRV General	0.102047	\$1,280
GRV Industrial	0.114543	\$1,370
GRV Short Term	0.194643	\$2,460
<b>Unimproved Values (UV)</b>		
UV General	0.004192	\$1,420
UV Mining	0.004192	\$1,420
UV Plantation	0.005955	\$2,040

Differential rates were advertised for more than the minimum period of 21 days with the closing date for submissions being Friday 31 May 2024.

Notices were invited from any elector or ratepayer with respect to the proposed differential rate with advertising undertaken as follows:

- Shire of Nannup (Shire) website, between 8 and 31 May 2024,
- Shire's social media on 9 May 2024,
- South West Times on 9 May 2024,
- Council Administration Building Notice Board between 9 and 31 May 2024, and
- Shire of Nannup Newsletter sent to subscribers via E-Mail on 10 May 2024.

The differential rating proposal is based on the purpose for which land is zoned, held or used. The overall objective of the Shire's differential rates is to raise rates revenue in a manner that is simple, efficient, and equitable to all ratepayers within the district.

The average overall increase in rate revenue for the 2024/25 financial year is 15.76%.

The following table shows the percentage increases in total revenue throughout the Differential Rating Categories:

Total				
	Last Year's Levied	Proposed 2024/25 Rates Levy	% Change	
GRV	\$ 998,926	\$ 1,062,843	6.40%	
UV	\$ 888,802	\$ 975,312	9.73%	
GRV Industrial	\$ 52,209	\$ 57,428	10.00%	
UV Plantations	\$ 237,592	\$ 375,122	57.88%	
GRV Short Term	\$ 64,699	\$ 124,965	93.15%	
	<b>\$ 2,242,228</b>	<b>\$ 2,595,670</b>	<b>15.76%</b>	
Non-Minimums				
	Last Year's Levied	Proposed 2024/25 Rates Levy	% Change	
GRV	\$ 665,145	\$ 641,723	-3.52%	
UV	\$ 733,738	\$ 714,032	-2.69%	
GRV Industrial	\$ 48,471	\$ 53,318	10.00%	
UV Plantations	\$ 233,062	\$ 369,002	58.33%	
GRV Short Term	\$ 54,347	\$ 95,445	75.62%	
	<b>\$ 1,734,763</b>	<b>\$ 1,873,520</b>	<b>8.00%</b>	
Minimums				
	Last Year's Levied	Proposed 2024/25 Rates Levy	% Change	
GRV	\$ 333,781	\$ 421,120	26.17%	
UV	\$ 155,064	\$ 261,280	68.50%	
GRV Industrial	\$ 3,738	\$ 4,110	9.95%	
UV Plantations	\$ 4,530	\$ 6,120	35.10%	
GRV Short Term	\$ 10,352	\$ 29,520	185.16%	
	<b>\$ 507,465</b>	<b>\$ 722,150</b>	<b>42.31%</b>	

Table2.

The overall object of the Shire's differential rates is to raise rate revenue in a simple, efficient, and equitable manner to all ratepayers within the district. The reasons for each differential rate are as follows:

### **Differential Rates – Gross Rental Valuations (GRV)**

#### **GRV – General**

The objective of this category is to apply a differential general rate and minimum payment to land zoned or used or held for residential/rural residential purposes and to ensure that all ratepayers make a reasonable contribution towards the services and facilities provided and maintained by the Shire for the benefit of residents. This category is to act as the Shire's benchmark differential rate and minimum payment by which all other GRV rated properties are assessed.

The reason for this rate is to ensure that all ratepayers make a reasonable contribution towards the ongoing maintenance and provision of works, services and facilities throughout the Shire.

#### **GRV Industrial**

The objective of this category is to apply a differential rate and minimum payment to land zoned or used or held for Industrial purposes and to ensure that all ratepayers make a reasonable contribution towards the services and facilities provided and maintained by the Shire for the benefit of residents.

The reason for this rate is in order to assist with the funding contribution towards the ongoing maintenance and provision of works and services within the Shire.

#### **GRV - Short-Term Accommodation**

The objective of this category is to apply a differential rate and minimum payment to land used or held for short-term accommodation purposes. This includes lodging houses, bed and breakfasts, self-contained accommodation, caravan and camping grounds. It is to ensure that all ratepayers make a reasonable contribution towards the overall services and facilities provided and maintained by the Shire for the benefit of residents.

The reason for this rate is in order to maintain fairness and equity with the funding of tourism development, marketing and event related projects throughout the district.

### **Differential Rates – Unimproved Valuations**

#### **UV – General**

The objective of this category is to apply a base differential general rate to land zoned or used or held typically for bona-fide farming and to ensure that all ratepayers make a reasonable contribution towards the services and facilities provided and maintained by the Shire for the benefit of residents. This category is to act as the Shire's benchmark differential rate by which all other UV rated properties are assessed.

The reason for this rate is to ensure that all ratepayers make a reasonable contribution towards the ongoing maintenance and provision of works, services and facilities throughout the Shire.

### **UV - Plantation**

The objective of this category is to apply a base differential general rate to land used or held typically for plantations purposes and to ensure that all ratepayers make a reasonable contribution towards the services and facilities provided and maintained by the Shire for the benefit of residents.

The reason for this rate is to ensure that all ratepayers make a fair and reasonable contribution towards the ongoing maintenance and provision of works and services, particularly roadworks maintenance and renewal throughout the Shire.

### **COMMENT:**

Compared to the 2023/24 Budget there has been an increase in the number of properties now in the GRV Short Term category of 11 being 46% and in the UV Plantation category by 7 being 17%.

The minimum Rate proposed for GRV Short Term represents an increase of 90% and for UV Plantation 35% with the Rates in the dollar increased by 80% and 15% respectively.

Submissions closed on 31 May 2024 with 1 late submission being received 14 June 2024, this submission is included in this report for consideration also.

In all 4 submissions were received with respect to the “GRV Short Term” differential Rate category and 7 received with respect to the “UV Plantation” differential Rate category noting that some of the submissions covered multiple properties as is demonstrated in the table below.

**Table3.**

<b>Assess.</b>	<b>Category</b>	<b>Submitter</b>	<b>Owner Surname/Company</b>	<b>Street Name</b>	<b>Suburb</b>
A32	GRV Short Term	Lyn Curtis	Curtis	BARRABUP	NANNUP
A1326	GRV Short Term	Michael & Susan Pickup	Pickup	MILLER	NANNUP
A1244	GRV Short Term	Phil Hewitt	Hewitt	NURSERY	EAST NANNUP
A1261	GRV Short Term	Shelley & David Marrison	Marrison	BROADLEA	NANNUP
Unknow	UV Plantation	Adele Farina - Forest Industries Federation of Western Australia (FIFWA)	Unknow	Unknow	Unknow
Unknow	UV Plantation	Brad Barr - Wespine	Unknow	Unknow	Unknow
Unknow	UV Plantation	Brad Barr - Wespine	Unknow	Unknow	Unknow
Unknow	UV Plantation	Francis Wong - New Forests Asset Management Pty Ltd	Unknow	Unknow	Unknow
A1896	UV Plantation	Glen Samsa - Delta Forestry	Cultura Australia Pty Ltd	CUNDINUP- DUDINYILLUP	NANNUP
A540	UV Plantation	Glen Samsa - Delta Forestry	Cultura Australia Pty Ltd	GOLD GULLY	EAST NANNUP
Unknow	UV Plantation	Grant Johnson - WA Plantation Resources (WAPRES)	Unknow	Unknow	Unknow

A1745	UV Plantation	John Brockman	Brockman	CUNDINUP-DUDINYILLUP	NANNUP
A1753	UV Plantation	John Brockman	Brockman	BALINGUP-NANNUP	NANNUP
A1593	UV Plantation	Stewart Tutton	Trust Company (Australia) Pty Ltd	DENNIS	NANNUP
A452	UV Plantation	Stewart Tutton	Trust Company (Australia) Pty Ltd	MILYEANNUP COAST	SCOTT RIVER EAST
A474	UV Plantation	Stewart Tutton	Trust Company (Australia) Pty Ltd	FOURACRES	NANNUP
A512	UV Plantation	Stewart Tutton	Trust Company (Australia) Pty Ltd	GOVERNOR BROOME	NANNUP
A721	UV Plantation	Stewart Tutton	Trust Company (Australia) Pty Ltd	PNEUMONIA	LAKE JASPER
A929	UV Plantation	Stewart Tutton	Trust Company (Australia) Pty Ltd	AVERY	SCOTT RIVER

Many of the submissions are very comprehensive and readers are strongly encouraged to review each submission in detail.

A short summary of the key issues raised within the submissions received are outlined below, all submissions are attached to the agenda in attachment 11.7.2 – “Submissions on proposed 2024/25 Differential Rates and Minimum Rate”:

### **GRV Short Term**

- 90% increase (B&B) to minimum Rate is excessive,
- 41% increase (B&B) on prior year is extravagant may consider closing B&B,
- 80% Increase (\$2,361) not sustainable,
- Likelihood that many smaller operators and B & Bs’ will reconsider their current undertaking and may cease operation,
- Short term accommodation businesses are being targeted and not all businesses associated with tourism. Smaller increase across a wider variety of businesses would be more appropriate.

### **UV - Plantation**

- Increased rates lower investment returns and provide a significant barrier to new plantation development and negatively impact values for rural General Use properties where plantations are a legitimate land use,
- Believe the current differential rating policy is unfair and inappropriate,
- We feel the differential rating policy is prejudicial to Plantation Use ratepayers compared to other rural General Use ratepayers and this unfair treatment of Plantation Use ratepayers will have unintended consequences for rural General Use ratepayers (reduction in land values),
- When compared to proposed rate increases for other categories, plantations (and GRV short term) are being required to carry a disproportionate portion of the Shire’s rate increase, with no adequate explanation or supporting evidence provided in support of the disproportionate rate increases for plantations,
- The implication that plantations are placing annual wear and tear on local roads is simply without foundation, plantation growers are required to make good public

roads (including local roads) damaged by haulage. In addition, they are required to remove loose gravel or debris dragged off unsealed roads onto sealed roads,

- the Shire's position does not align with State and Federal Governments policy for greater investment in and expansion of the plantation estate to assist mitigate climate change impacts and to meet current and growing demand for timber house frames,
- There is no justification provided by the Shire for applying a differential rate for plantations of a higher quantum than other agricultural pursuits, and no justification for the magnitude of rate increased proposed.,
- Proposal is grossly unfair and unreasonable and is not supported by data,
- The equitability of the differentiation seems questionable given that other industries (UV – General) in the Scott River region, not constrained by permits to maintain road quality, have seen a relatively minor increase in rates over the last 3 years (approximately 22 percent). Damage caused from this sector has been evident and has even required repair by plantation owners.

### **Concession Consideration**

Council has, in the past, resolved to allow the following concessions in relation to GRV Short Term and UV Plantation rated properties as follows:

- concession of 3% off the Gross Rental Valuation – Short Term rate to owners of Short Term properties who complete a statutory declaration that their property is also their primary place of residence.
- concession off the Unimproved Value – Properties used for both plantation and non-plantation purposes may be eligible for a concession based on % of arable land used, where the owners complete a statutory declaration and demonstrate a portion of their properties arable land (excludes bush and undeveloped land) is not used for plantation as per below:
  - concession of 4% to owners who demonstrate 75%+ of the arable area is not used for plantation.
  - concession of 2.5% to owners who demonstrate between 50% to 75% of the arable area is not used for plantation.
  - concession of 1% to owners who demonstrate between 25% - 50% of the arable land is not used for plantation.

To be eligible for a concession owners of properties need to apply within 35 days of the rates being raised.

### **STATUTORY ENVIRONMENT:**

Section 6.36(1) of the *Local Government Act 1995 (Act)* states:

*"Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so."*



Section 6.36(4) of the *Local Government Act 1995 (Act)* states:

*"The local government is required to consider any submissions received before imposing the proposed rate or minimum payment with or without modification."*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Based on current valuation information, the proposed differential rates will raise approximately \$2.59 million in rates in the 2024/25 financial year representing an additional \$343,442 or 15.76% increase on the 2023/24 financial year.

The financial implication is unknown with a concession applied due to it being on an application basis. However, during the 2023/24 financial year eight properties applied for the concession, the total amount applied was \$736.35 being \$434.89 for UV Plantation and \$301.46 for Short Term Stay.

Upon adoption of the 2024/25 Budget, the proposed rate in the dollar will generate sufficient rate revenue to deliver a balanced budget.

**STRATEGIC IMPLICATIONS:**

The officer recommendation aligns with the following objective within the Strategic Community Plan 2021-2036:

*6.4 We are One*

*We will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community.*

- *Incorporate and deliver balanced outcomes including social, environmental, and financial, through triple-bottom-line decision-making.*
- *Provide a stable, consistent and honest government.*

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council considers the submissions received regarding the proposed differential rates and minimum payments for the 2024/25 financial year.

**COUNCIL RESOLUTION 24072****MOVED: CR HANSEN****SECONDED: CR GIBB**

*That Council considers the submissions received regarding the proposed differential rates and minimum payments for the 2024/25 financial year.*

**CARRIED****TOTAL VOTES FOR: 5**

*Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.*

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.1 - Amendment No.1 to the Shire of Nannup Local Planning Scheme No. 4: Submitted for Adoption
LOCATION/ADDRESS:	Lots 125, 301 and 566 Cundinup-Dudinyillup Rd, Nannup
NAME OF APPLICANT:	Harley Dykstra and Graeme & Anne Brockman
FILE REFERENCE:	TPL2-01
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 June 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.1.1 – Location map 11.1.2 – Documentation from applicant

**\*\*Cr Brown had a declared conflict of interest and left the room\*\***

#### **BACKGROUND:**

The applicants seek Council's adoption of a scheme amendment to remove Additional Site Requirement No.4 (ASR4) from Lots 125, 301 and 566 Cundinup-Dudinyillup Rd, Nannup to facilitate the ongoing use of the subject lots for tree farm production. The Amendment, if approved by the Minister for Planning, would enable the Shire to grant development approval for a new tree farm development application(s).

The site location is shown in Attachment 11.1.1. The total area of the three lots is 250.98 hectares, and they are currently planted in blue gums. There are no structures on any of the lots contained within the site. The site is largely steeply sloping.

The lots do not currently have approval under any previous or current Local Planning Scheme for use as a tree farm however it is known that they have been planted in blue gums since 1996.

While LPS4 does provide non-conforming use rights in some cases, ASR4 specifically provides that tree farms will not be supported by the Shire meaning that an application for development approval cannot be accepted by the Shire for the continued use of the lots as a tree farm. This position is based on legal advice. The legal advice is provided under separate cover to Councillors.

The applicants' documentation is set out in Attachment 11.1.2. The documentation provides the necessary information and justification required by the Shire of Nannup Local Planning Scheme No. 4 (LPS4) including details of the current and surrounding land uses, physical characteristics, infrastructure, and access, and supporting rationale. The documentation provides background information which is generally not repeated in this report.

The lots are zoned 'Priority Agriculture' in LPS4 and are also subject to ASR4 which states that tree farms will not be supported by the Local Government. The lots are also partially within Special Control Area SCA7 General (Landscape Values Area).

**COMMENT:**

On balance, the requested Amendment has merit for various reasons including those set out in Attachment 11.1.2. The site's physical features (steep slope, water availability, soils) and location are suitable for tree farms as evidenced that the subject lots have historically been used for tree farming and the intention is for the use to continue. The site is also on the edge of the ASR4 boundary. Importantly, the land will continue to be zoned Priority Agriculture.

It is recommended that Council adopt (initiate) the proposed scheme amendment subject to modifications to Scheme Amendment No. 1 being made to clarify the areas to which ASR4 should apply in future. This is further considered below.

Should Council adopt Amendment 1, it will facilitate Environmental Protection (EPA) and Western Australian Planning Commission (WAPC) assessment. Subject to EPA and WAPC assessment, Amendment 1 will be subject to community/stakeholder consultation.

While noting the above, considerations with Amendment 1 include clarifying Council's position relating to preventing new tree farms within ASR4 and creating a precedent should Council adopt Amendment 1.

The Council adopted ASR4, in part, given that it was concerned about the loss of population in and around Nannup and impacts on on-going economic activity if large areas of tree farms were planted on priority agricultural land nearer the Nannup townsite. In comparison, the Council was supportive of tree farms on the priority agricultural land on the Scott Coastal Plain subject to addressing relevant planning considerations.

In relation to precedent, there is a requirement that a proponent suitably demonstrate the site is best suited to a tree farm compared to other forms of rural activity. Additionally, the Shire administration suggests that a request to remove ASR4 from anywhere but the edges of the ASR4 boundary is unlikely to be recommended for support.

Should Council adopt Scheme Amendment No. 1, and subject to decisions from the EPA, WAPC and Minister for Planning, further planting of the lots as a tree farm could occur on the site subject to the landowner/proponent gaining Development Approval from the Shire.

As mentioned above, it is suggested appropriate to clarify the areas to which ASR4 should apply in future.

The proposal to remove ASR4 from Lots 125, 301 and 566 Cundinup-Dudinyillup Rd relates to the use of the term 'locality' in the description of land used in Table 2 of LPS4 as shown below:

**Table 2 Additional Site Requirements**

No.	Description of Land	Requirement
ASR 4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta and Cundinup localities.	Tree farms will not be supported by the Local Government.

While ASR4 specifically states the localities of Biddelia, Carlotta and Cundinup in the description, the Scheme maps more broadly include all land zoned Priority Agriculture in the areas surrounding Cundinup and Carlotta, which includes portion of the localities of Nannup and East Nannup.

The applicants are requesting that ASR4 be removed from Lots 125, 301 and 566 Cundinup-Dudinyillup Rd as they are located within the locality of Nannup which is inconsistent with the description of the land in Table 2.

It is suggested that Council should retain the areas as shown on the Scheme maps but amend the Scheme text to include the localities of Nannup and East Nannup in the description of land in Table 2 as follows:

No.	Description of Land	Requirement
ASR 4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup, and Nannup localities.	Tree farms will not be supported by the Local Government.

The amendment is a standard amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone;
- The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- The amendment is not a complex or basic amendment.

Subject to the Council's decision, the documentation will be forwarded to the EPA seeking environmental clearance. Following this, the amendment will be submitted to the Western Australian Planning Commission (WAPC) to assess its suitability for advertising and approval

to advertise. Should approval to advertise be granted then the Shire will publicly advertise the amendment for 6 weeks by writing to stakeholders, placing notices in local papers, placing details on the Shire's website and having information available at the Shire office.

Following the close of the consultation period, the matter will again be considered by the Council to determine whether or not to support final adoption of the scheme amendment. After this, the WAPC will assess the scheme amendment request with the final decision made by the Minister for Planning.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS4.*

The Council has a number of options available to it as summarised below:

- Adopt (initiate) the scheme amendment without modification - to facilitate advertising of the amendment;
- Adopt the scheme amendment with modification(s) - to facilitate advertising of the amendment;
- Not adopt the scheme amendment - this would mean the scheme amendment could not proceed; or
- Defer the scheme amendment - request and seek additional information from the applicant.

There is no right of appeal for the applicant if Council resolves to not adopt the amendment request. If this amendment request is not adopted by Council, it is open to the applicant to request that the Minister for Planning order the Shire to initiate a scheme amendment. Clause 77A(1) of the *Planning and Development Act 2005* sets out that the Minister may, on the recommendation of the WAPC, order a local government to prepare and submit for the approval of the Minister, an amendment to a local planning scheme for the purpose of rendering the local planning scheme consistent with a State planning policy.

#### **POLICY IMPLICATIONS:**

Nil at this stage.

#### **FINANCIAL IMPLICATIONS:**

The applicant has paid the required scheme amendment fee in accordance with adopted 2023/24 Schedule of Fees and Charges.

**STRATEGIC IMPLICATIONS:**

## 4.2 Our Location

4.2.1 Balance community, environment and economic development in our Shire through appropriate planning frameworks and strategies

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council,

1. In accordance with Section 75 of the *Planning and Development Act 2005* resolve to adopt Amendment 1 to the *Shire of Nannup Local Planning Scheme No.4*, including the modification in part 'b' as follows:

- a) Amend the Scheme map to remove Lots 125, 301 and 566 Cundinup-Dudinyillup Road, Nannup from Additional Site Requirement No.4.
- b) Amend Table 2 Additional Site Requirements to include the localities of East Nannup and Nannup in the description of land for ASR 4 as follows:

No.	Description of Land	Requirement
ASR 4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup, and Nannup localities.	Tree farms will not be supported by the Local Government.

2. In accordance with Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 1 of the Shire of Nannup Local Planning Scheme No. 4 is a standard amendment for the following reasons:

- a) The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone;
- b) The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- d) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and

e) The amendment is not a complex or basic amendment.

3. Following the amendment documentation being suitable updated to reflect point 1, refer Scheme Amendment 1 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.
4. Submit Scheme Amendment 1 to the Western Australian Planning Commission for approval to advertise in accordance with Section 83A of the *Planning and Development Act 2005*.
5. Advertise Scheme Amendment 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Section 47(2) for a period of 42 days.

### **COUNCIL RESOLUTION 24073**

**MOVED: CR HANSEN**

**SECONDED: CR GIBB**

***That Council,***

1. ***In accordance with Section 75 of the Planning and Development Act 2005 resolve to adopt Amendment 1 to the Shire of Nannup Local Planning Scheme No.4, including the modification in part 'b' as follows:***

- a) ***Amend the Scheme map to remove Lots 125, 301 and 566 Cundinup-Dudinyillup Road, Nannup from Additional Site Requirement No.4.***
- b) ***Amend Table 2 Additional Site Requirements to include the localities of East Nannup and Nannup in the description of land for ASR 4 as follows:***

<b>No.</b>	<b>Description of Land</b>	<b>Requirement</b>
<b>ASR 4</b>	<b><i>As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup, and Nannup localities.</i></b>	<b><i>Tree farms will not be supported by the Local Government.</i></b>

2. ***In accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 1 of the Shire of Nannup Local Planning Scheme No. 4 is a standard amendment for the following reasons:***

- a) ***The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone;***
- b) ***The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;***



- c) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;*
- d) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and*
- e) The amendment is not a complex or basic amendment.*
- 3. Following the amendment documentation being suitable updated to reflect point 1, refer Scheme Amendment 1 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.**
- 4. Submit Scheme Amendment 1 to the Western Australian Planning Commission for approval to advertise in accordance with Section 83A of the Planning and Development Act 2005.**
- 5. Advertise Scheme Amendment 1 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47(2) for a period of 42 days.**

**CARRIED**

**TOTAL VOTES FOR: 5**

**Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.**

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.2 – Modifications to various Local Planning Policies: Submitted for final adoption
LOCATION/ADDRESS:	Generally applies throughout the district
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM9
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 June 2024
PREVIOUS MEETING REFERENCE:	25 January 2024
ATTACHMENT:	11.2.1 - Recommended modified policies - versions seeking final adoption 11.2.2 - Submissions

**\*\*Cr Brown returned to the room\*\***

#### **BACKGROUND:**

The purpose of this report is to inform Council of the public consultation outcomes and to seek Council’s final adoption of the modifications to various Local Planning Policies. The recommended final adoption versions of the policies are set out in Attachment 11.2.1 which incorporates minor amendments from the versions that were publicly advertised. Recommended amendments to the publicly advertised policies are outlined in “highlight” or “strikeout”.

The Council at its meeting on 25 January 2024 resolved the following at Resolution 24004:

#### ***“That Council:***

- 1. *Revoke the following Local Planning Policies set out in Attachment 11.2.1 in accordance with Schedule 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015:***
  - i) LPP4 Bed & Breakfast;***
  - ii) LPP21 Bush Fire Management***
  - iii) TPL4 Residential Accommodation – Minimum Internal Requirements;***
- 2. *Advertise the revocation of the policies set out in point 1 as required by Schedule 2, Clause 87 of the Planning and Development (Local Planning Schemes) Regulations 2015.***

**4. Support the public release of the following draft modified Local Planning Policies, outlined in Attachment 11.3.2, and require the draft policies to be publicly advertised in accordance with the requirements set out in Schedule 2, Clauses 6 & 87 of the Planning and Development (Local Planning Schemes) Regulations 2015 with an increased advertising period of six weeks:**

- i) LPP 1 Cut & Fill and Retaining Wall;**
- ii) LPP 2 Stormwater Management and Connection;**
- iii) LPP 3 Sea Containers;**
- iv) LPP 4 Consultation;**
- v) LPP 5 Nannup Townsite Character Area Design Guidelines**
- vi) LPP 6 Rural Residential Fencing Standards;**
- vii) LPP 7 Nannup Mainstreet Heritage Precinct;**
- viii) LPP 8 Development in Flood Prone Land;**
- ix) LPP 9 Tourism Land Uses and Short-Term Accommodation;**
- x) LPP 10 Car Parking and Vehicular Access;**
- xi) LPP 11 Dedication of Road Access;**
- xii) LPP 12 Signs and Advertisements;**
- xiii) LPP 13 Heritage Conservation;**
- xiv) LPP 14 Developer and Subdivider Contributions;**
- xv) LPP 15 Outbuildings; and**
- xvi) LPP 16 Tree Farms.”**

#### Consultation

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

- writing to and inviting comments from 40 stakeholders and government agencies;
- placing public notices in local papers;
- placing details on the Shire website; and
- having information available at the Shire office.

Schedule 2 Part 2 Clause of the *Planning and Development (Local Planning Schemes) Regulations 2015* requires that the Shire seek comment for at least 21 days on modifications to a Local Planning Policy. Therefore the consultation period significantly exceeds the requirements of the deemed provisions.

The Shire received 4 submissions on the draft modified policies (see Attachment 11.2.2). All of the submissions were from government agencies which either support or raise no objection to the draft modified policies.

#### **COMMENT:**

The Department of Water and Environmental Regulation has provided useful comments which have resulted in changes to the advertised draft modified policies. This included changing the references from ARI (Average Recurrence Interval) to AEP (Annual Exceedance Probability) and the addition of small event management requirements in policy *LPP 2 Stormwater Management and Connection*, minor wording changes in *LPP 4 Consultation*, *LPP 8*

*Development in Flood Prone Land, LPP 14 Developer and Subdivider Contributions and LPP 16 Tree Farms* with additional information also to be included in the related documents for policies LPP 4 and LPP 14. The related documents are available for viewing at the Shire office.

Main Roads WA provided comments relating to the need for verandah poles located within the Warren Rd road reserve to either be frangible and for verandah roofs to be cantilevered which has been incorporated in *LPP 7 Nannup Main Street Heritage Precinct*.

The Department of Planning, Lands and Heritage provided advice which has resulted in changes to policies *LPP 2 Stormwater Management and Connection, LPP 13 Heritage Conservation and LPP 15 Outbuildings*. LPP2 has been updated to include an exemption for the requirement for guttering and downpipes to be installed on heritage -protected places where historically there would have been none, wording changes have been made to LPP 13 to reflect current terminology and recommendations made in the Department's *Guidelines for Preparing a Local Planning Policy for Local Heritage*, and LPP 15 has been updated to include the requirement for a development application when the outbuilding is located in a heritage-protected place.

The Department of Primary Industries and Regional Development (DPRID) also provided advice which has resulted in *LPP 16 Tree Farms* being updated to include that the local government will generally discourage tree farms for the purpose of carbon sequestration on land zoned Priority Agriculture.

In addition to the above modification suggested by DPRID, LPP 16 has also been updated to clarify that the local government will not support tree farms in Priority Agriculture zoned land in the Cundinup, Carlotta and Biddelia locations plus portions of other localities within the area set out in Attachment 2 to LPP 16.

It is suggested that the Council is now in a position to grant final adoption to the modified Local Planning Policies. These are slightly amended from the advertised draft modified versions to reflect the content of the submissions where necessary and based on a review by the Shire administration. Considering the extensive consultation that occurred on the draft modified policies, resulting in no submissions raising concerns, it can only be assumed that there is overall community/stakeholder acceptance or support for the modified policies.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005*, Local Planning Scheme No.4 and various State Planning Policies. Schedule 2, Part 2, Division 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides the ability to prepare, amend or revoke a Local Planning Policy.

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

Local Planning Policies (LPPs) provide guidance to assist the local government in its decision making. Accordingly, the local government is required to have regard to LPPs in determining Development Applications.

The modified LPPs, if granted final adoption, will assist the decision-making of the local government, inform applicants/landowners of Council requirements and raise community and stakeholder awareness.

**FINANCIAL IMPLICATIONS:**

There were costs to the Shire in advertising the modified draft LPPs.

**STRATEGIC IMPLICATIONS:**

Our Built Environment

3.3 Planning & Building

We will provide quality planning outcomes for community benefit through quality consultation.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council grant final adoption to the modified Local Planning Policies as set out in Attachment 11.2.1, publish a notice of the modified policies on the Shire website, and advise submitters of the above and thank them for their input into the process.

***COUNCIL RESOLUTION 24074***

***MOVED: CR HANSEN***

***SECONDED: CR GIBB***

***That Council grant final adoption to the modified Local Planning Policies as set out in Attachment 11.2.1, publish a notice of the modified policies on the Shire website, and advise submitters of the above and thank them for their input into the process.***

***CARRIED***

***TOTAL VOTES FOR: 5***

***Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.***

***TOTAL VOTES AGAINST: 0***

AGENDA NUMBER & SUBJECT:	11.3 - Amendment No.2 to the Shire of Nannup Local Planning Scheme No. 4: Submitted for Adoption
LOCATION/ADDRESS:	Lot 11 Cundinup-Dudinyillup Rd, Nannup
NAME OF APPLICANT:	Harley Dykstra and John & Patricia Brockman
FILE REFERENCE:	TPL2-02
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 June 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.3.1 – Location map 11.3.2 – Documentation from applicant

**\*\*Cr Brown declared conflict of interest and left the room\*\***

#### **BACKGROUND:**

The applicants seek Council's adoption of a scheme amendment to rezone a portion of Lot 11 Cundinup-Dudinyillup Rd, Nannup (the subject site) from 'Priority Agriculture' to 'Rural', and subsequently remove the Additional Site Requirement No.4 (ASR4) from the subject site as it relates specifically to land zoned Priority Agriculture.

At present, Lot 11 has a split zoning with the northern portion of the lot being zoned 'Priority Agriculture' and the larger southern portion being zoned 'Rural'. The property is currently used for low scale grazing agricultural purposes however the southern portion has recently been granted development approval to be used as a tree farm. The Amendment, if approved by the Minister for Planning, would enable the Shire to grant development approval for a tree farm in the northern portion of the subject site.

The site location is shown in Attachment 11.3.1. Lot 11 has an area of 109.86 hectares and is predominantly pasture cleared with the exception of a small grouping of trees in the north east. The northern section, subject to the scheme amendment request, is approximately 50 hectares. There are no structures on the subject site (northern section) however the balance of Lot 11 contains a dwelling and associated outbuildings. The site is undulating with significant slopes in some areas.

The applicants' documentation is set out in Attachment 11.3.2. The documentation provides the necessary information and justification required by the Shire of Nannup Local Planning Scheme No. 4 (LPS4) including details of the current and surrounding land uses, physical characteristics, infrastructure and access, and supporting rationale. The documentation provides background information which is generally not repeated in this report.

The subject site is zoned 'Priority Agriculture' in LPS4 and is also subject to ASR4. The subject site is also partially within Special Control Area SCA7 General (Landscape Values Area).

The Local Planning Strategy allocates the northern section of the site as 'Priority Agriculture' and the southern section as 'Rural'. Previously, the now rescinded *Shire of Nannup Local Planning Scheme No. 3* also applied 'split' zoning. It is understood that the northern portion of the site has been identified as Priority Agriculture for a number of decades in various planning documents.

**COMMENT:**

It is suggested the Council needs to carefully consider the merits put forward by the applicant and consider strategic implications of its decision-making. Some of the considerations include:

- The northern part of the site has long been identified for priority agriculture;
- The amendment request is inconsistent with the Local Planning Strategy;
- Clarifying Council's position relating to the loss of Priority Agriculture land, preventing new tree farms within ASR4 and creating a precedent should Council adopt Amendment 2;
- The Council adopted ASR4, in part, given that it was concerned about the loss of population in and around Nannup and impacts on on-going economic activity if large areas of tree farms were planted on priority agricultural land nearer the Nannup townsite. In comparison, the Council was supportive of tree farms on the priority agricultural land on the Scott Coastal Plain subject to addressing relevant planning considerations;
- Precedents. Related to this, and subject to decisions from Council, other agencies and possibly the Minister for Planning, should any applicant propose a further amendment to rezone Priority Agriculture to Rural, it is suggested there is a need to obtain additional technical information and meet with relevant stakeholders including landowners within ASR4, the Department of Primary Industries and Regional Development and the Department of Planning and Lands and Heritage;
- In relation to precedent, there is a requirement that a proponent suitably demonstrate the site is best suited to a tree farm compared to other forms of rural activity. Additionally, the Shire administration suggests that a request to remove ASR4 from anywhere but the edges of the ASR4 boundary is unlikely to be recommended for support; There is no loss of agricultural land with the amendment request, however there is potential for cumulative 'impacts' with additional tree farms in areas currently within ASR4;
- It is uncommon for properties to have more than one zoning or have a 'split-zoning'; and
- Site specific land capability and land suitability considerations set out by the applicant.

On balance, the requested Amendment has merit for various reasons including those set out in Attachment 11.3.2 including the property has a split-zoning. The site is also on the edge of the ASR4 boundary. Accordingly, it is recommended that Council adopt (initiate) the proposed scheme amendment.

Should Council adopt Amendment 2, it will facilitate Environmental Protection Authority (EPA) and Western Australian Planning Commission (WAPC) assessment. Subject to EPA and WAPC assessment, Amendment 2 will be subject to community/stakeholder consultation.

Should Council adopt Scheme Amendment No. 2, and subject to decisions from the EPA, WAPC and Minister for Planning, a development application could be considered for a tree farm in the northern section of the site.

The amendment is a complex amendment under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

- The amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
- The amendment is not addressed by any local planning strategy.

Subject to the Council's decision, the documentation will be forwarded to the EPA seeking environmental clearance. Following this, the amendment will be submitted to the WAPC to assess its suitability for advertising and approval to advertise. Should approval to advertise be granted then the Shire will publicly advertise the amendment for 6 weeks by writing to stakeholders, placing notices in local papers, placing details on the Shire's website and having information available at the Shire office.

Following the close of the consultation period, the matter will again be considered by the Council to determine whether or not to support final adoption of the scheme amendment. After this, the WAPC will assess the scheme amendment request with the final decision made by the Minister for Planning.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS4.*

The Council has a number of options available to it as summarised below:

- Adopt (initiate) the scheme amendment without modification - to facilitate advertising of the amendment;
- Adopt the scheme amendment with modification(s) - to facilitate advertising of the amendment;
- Not adopt the scheme amendment - this would mean the scheme amendment could not proceed; or
- Defer the scheme amendment - request and seek additional information from the applicant.



There is no right of appeal for the applicant if Council resolves to not adopt the amendment request. If this amendment request is not adopted by Council, it is open to the applicant to request that the Minister for Planning order the Shire to initiate a scheme amendment. Clause 77A(1) of the *Planning and Development Act 2005* sets out that the Minister may, on the recommendation of the WAPC, order a local government to prepare and submit for the approval of the Minister, an amendment to a local planning scheme for the purpose of rendering the local planning scheme consistent with a State planning policy.

**POLICY IMPLICATIONS:**

Nil at this stage.

**FINANCIAL IMPLICATIONS:**

The applicant has paid the required scheme amendment fee in accordance with adopted 2023/24 Schedule of Fees and Charges.

**STRATEGIC IMPLICATIONS:**

4.2 Our Location

- 4.2.1 Balance community, environment and economic development in our Shire through appropriate planning frameworks and strategies

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council,

1. In accordance with Section 75 of the *Planning and Development Act 2005* resolve to adopt Amendment 2 to the *Shire of Nannup Local Planning Scheme No.4* as follows:
  - a) Amend the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Priority Agriculture' to 'Rural'.
  - b) Remove the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Additional Site Requirements 4'.
  - c) Amending the scheme map accordingly.
2. In accordance with Regulation 35 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, determines that Amendment No. 2 of the Shire of Nannup Local Planning Scheme No. 4 is a complex amendment for the following reasons:

- a) The amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and
  - b) The amendment is not addressed by any local planning strategy.
3. Refer Scheme Amendment 2 to the Environmental Protection Authority in accordance with Section 81 of the *Planning and Development Act 2005*.
  4. Submit Scheme Amendment 2 to the Western Australian Planning Commission for approval to advertise in accordance with Section 83A of the *Planning and Development Act 2005*.
  5. Advertise Scheme Amendment 2 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Section 47(2) for a period of 42 days.

### **COUNCIL RESOLUTION 24075**

**MOVED: CR HANSEN**

**SECONDED: CR GIBB**

***That Council,***

1. ***In accordance with Section 75 of the Planning and Development Act 2005 resolve to adopt Amendment 2 to the Shire of Nannup Local Planning Scheme No.4 as follows:***
  - a) ***Amend the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Priority Agriculture' to 'Rural'.***
  - b) ***Remove the northern portion of Lot 11 Cundinup-Dudinyillup Road, Nannup from 'Additional Site Requirements 4'.***
  - c) ***Amending the scheme map accordingly.***
2. ***In accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 2 of the Shire of Nannup Local Planning Scheme No. 4 is a complex amendment for the following reasons:***
  - a) ***The amendment is not consistent with a local planning strategy for the scheme that has been endorsed by the Commission; and***
  - b) ***The amendment is not addressed by any local planning strategy.***
3. ***Refer Scheme Amendment 2 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.***
4. ***Submit Scheme Amendment 2 to the Western Australian Planning Commission for approval to advertise in accordance with Section 83A of the Planning and Development Act 2005.***
5. ***Advertise Scheme Amendment 2 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47(2) for a period of 42 days.***

**CARRIED****TOTAL VOTES FOR: 5*****Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.*****TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.4 – Delegated Planning Decisions for May 2024
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 June 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.4.1 – Register of Delegated Development Approvals

**\*\*Cr Brown returned to the room\*\***

### **BACKGROUND:**

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.4 (LPS4) and adopted Council policy.

Delegated planning decisions are reported to Council monthly to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in May 2024 is presented in Attachment 11.4.1.

### **COMMENT:**

As shown in the attachment, each application has been advertised in accordance with LPS4 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During May 2024, four (4) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for May 2024 compared to May 2023:

	<b>May 2023</b>	<b>May 2024</b>
<b>Delegated Decisions</b>	1 (\$500)	4 (\$1,843,000)
<b>Council Decisions</b>	1 (\$2,000)	0 (\$0)
<b>Total</b>	<b>2 (\$2,500)</b>	<b>4 (\$1,843,000)</b>

100% of all approvals issued in the month of May were completed within the statutory timeframes of either 60 or 90 days.

**STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Local Government Act 1995 and LPS4.*

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

**POLICY IMPLICATIONS:**

Applications for Development Approval must be assessed against the requirements of LPS4 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

**FINANCIAL IMPLICATIONS:**

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENT:**

Simple majority.

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for May 2024 as per Attachment 11.4.1.

**COUNCIL RESOLUTION 24076****MOVED: CR HANSEN****SECONDED: CR GIBB**

***That Council receives the report on Delegated Development Approvals for May 2024 as per Attachment 11.4.1.***

**CARRIED****TOTAL VOTES FOR: 5*****Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.*****TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.5 – Play Pockets Shared Use Path DLGSC
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Mark Hudson, Project Officer
FILE REFERENCE:	N/A
AUTHOR:	Mark Hudson, Project Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	29.5.2024
PREVIOUS MEETING REFERENCE:	
ATTACHMENT:	<p>11.5.1 – Letter of Success from - 2023-24 Community Trail Planning Grants Program Shire of Nannup 2.2024</p> <p>11.5.2 - Kearney Block Native Forest - Shared-use trail concept - Final – 20240306</p> <p>11.5.3 - Place Making Pathways to Play Gussies Mill Summary</p>

#### **BACKGROUND:**

The Kearney Block Concept Plan was developed in 2023 for the proposed location for the Shire of Nannup Native Mountain Bike Park.

Following completion of a concept plan the consultants, World Trails, outlined that the proposed location to deliver mountain bike trails was not suitable due to poor soil and limited elevation change. It was concluded that the site would not be suitable for a mountain bike park as envisioned as part of the Trail Town project. Hence the project was halted.

#### **COMMENT:**

In the original concept plan two shared use paths were proposed for walkers, trail runners, mountain bikers and adaptive riders were identified. The proposal included the Gussies Mill site (Shire vested land) and DBCA estate, known as the Kearney Block.

In 2024 the Department of Local Government, Sport and Recreation offered a Community Trail Planning Grant Program. Officers applied for a grant to support the detailed design for the shared use pathway, with play pocket elements.

Using the original Kearney Block Concept Plan, a shared use trail grant application was submitted and was successful. The trail planning small grant program is dollar for dollar and a \$25,000 grant was awarded to the project on the condition the Shire of Nannup match the funding.

---

**In the submission two trails were outlined:****Trail No 1.**

Play Pockets trail, 3 kilometres. Play pockets can be based around a lineal pathway with “themes” for the play pockets – shared use trail, including places to sit, stop, play, provide educational opportunities, include art installations, geological information, anything interactive or sedentary and are on a green (Easy) shared use trail.

Rehabilitation of the old Gussies Mill site with plantings of endemic species informed by community engagement will develop the Play Pocket detailed design. The aim is to develop an inclusive outdoor space, that instills pride and reflects the vision of the local community while connecting them with the natural surrounds.

**Trail No 2.**

A 7 kilometre trail and provides a multi-use green (easy) trail catering for walkers, trail runners, mountain bike riders, gravel riders and adaptive riders. The trail connects to Trail No 1.

**STATUTORY ENVIRONMENT:**

Local Government Act 1995 and Local Government (Financial Management) Regulations 1996

**POLICY IMPLICATIONS:**

LPP 013 - Car Parking and Vehicular Access  
Policy FNC 6 - Acceptance of Grant Funding

**FINANCIAL IMPLICATIONS:**

Policy FNC 6 - Acceptance of Grant Funding

The financial impact of this recommendation is the Shire of Nannup would be required to match the proposed grant funding \$25,000, dollar for dollar and comply with the DLGSC grant requirements.

**STRATEGIC IMPLICATIONS:**

The trails would be incorporated into the Trail Town Project offering advancing Nannup to Trail Town status. The trails are low maintenance, provide recreational opportunities for the residents in Cockatoo Valley, Nannup and visitors to the region.

Rehabilitation of the Gussies Mill site would be a Shire led community project focusing on native vegetation.



The proposed trail planning grant proposal relates to the Shire of Nannup Strategic Community Plan;

- Tourism and Attraction: 2.2.2.3, 2.2.3.1 and 2.2.3.2.
- Our Built Environment Our Amenity 3.2.2.2.
- Our Natural Environment. 4.3.4.1 and 4.3.4.3.
- Active and Healthy Lifestyles: 5.3.3.2, and 5.3.5.1.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER RECOMMENDATION:**

That Council,

1. Accepts the \$25,000 Community Trail Planning Grant,
2. Requests the Chief Executive Officer to included the Grant Funds of \$25,000 and \$50,000 of expenditure for Trail Planning in the 2024/2025 Draft Budget.

#### ***COUNCIL RESOLUTION 24077***

***MOVED: CR HANSEN***

***SECONDED: CR GIBB***

***That Council,***

- 1. Accepts the \$25,000 Community Trail Planning Grant,***
- 2. Requests the Chief Executive Officer to include the Grant Funds of \$25,000 and \$50,000 of expenditure for Trail Planning in the 2024/2025 Draft Budget.***

***CARRIED***

***TOTAL VOTES FOR: 5***

***Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.***

***TOTAL VOTES AGAINST: 0***

AGENDA NUMBER & SUBJECT:	11.6 – Payment of Accounts – May 2024
SUBJECT:	Payment of Accounts – May 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	19 June 2024
ATTACHMENT:	11.6.1 – Payment of Accounts – May 2024

**BACKGROUND:**

To advise Council of payments made for the period 1 May to 31 May 2024.

**COMMENT:**

Payments of \$662,021.92 as detailed in the payment of accounts listing for the period 1 May to 31 May 2024 as per Attachment 11.6.1 have been approved under delegated authority.

**Municipal Account**

Accounts paid by EFT	17072- 17201	\$465,399.12
Accounts paid by cheque	20628 – 20629	\$6,699.11
Accounts paid by Direct Debit	13182.1 – 13293.16	\$149,923.69
<i>Sub Total Municipal Account</i>		<u>\$622,021.92</u>

**Trust Account**

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
<b>Total Payments</b>		<u><u>\$622,021.92</u></u>

**STATUTORY ENVIRONMENT:**

Regulation 13(2) of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of accounts approved for payment under delegated authority showing the payee's name; the amount of the payment; and sufficient information to identify the transaction, and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of payments made using the purchasing cards showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority.

**OFFICER RECOMMENDATION:**

That Council notes the payment of accounts totalling \$662,021.92 for the period 1 May to 31 May 2024 as per Attachment 11.6.1.

**COUNCIL RESOLUTION 24078****MOVED: CR HANSEN****SECONDED: CR GIBB**

***That Council notes the payment of accounts totalling \$662,021.92 for the period 1 May to 31 May 2024 as per Attachment 11.6.1.***

**CARRIED****TOTAL VOTES FOR: 5*****Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen.*****TOTAL VOTES AGAINST: 0**

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

---

Nil.

**13. MEETING MAY BE CLOSED:**

---

Nil.

**14. CLOSURE OF MEETING:**

---

The Shire President declared the meeting closed at 5.24 pm.