



# **Agenda**

**Ordinary Council Meeting to be held Thursday 23 February 2023**

**4.30pm in Council Chambers, 15 Adam Street, Nannup**

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## **A G E N D A**

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### **1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:**

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Shire President to declare the meeting open and welcome the public gallery.

Shire President to acknowledge the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.

### **2. ATTENDANCE/APOLOGIES:**

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#### **2.1 ATTENDANCE**

#### **2.2 APOLOGIES**

Nil.

### **3. PUBLIC QUESTION TIME:**

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

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

Nil.

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

### **5. CONFIRMATION OF MINUTES:**

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5.1 Ordinary Council Meeting – 19 January 2023

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

That the Minutes from the Ordinary Meeting of Council held 19 January 2023 be confirmed as a true and correct record (attachment 5.1).

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**6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

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Nil.

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**7. DISCLOSURE OF INTEREST:**

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Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Nannup and its community.

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

Edge Planning & Property receive a payment for planning advice to the Shire of Nannup; and declare a Financial Interest (section 5.70 of the Local Government Act 1995) in agenda item 11.1 - Development Application for a Camping Ground/Caravan Park (25 camping caravan sites, ablution block and function room).

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

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Nil.

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**9. PRESENTATIONS/DEPUTATIONS/PETITIONS:**

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Nil.

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**10. REPORTS BY MEMBERS ATTENDING COMMITTEES:**

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## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Development Application for a Camping Ground/Caravan Park (25 camping caravan sites, ablution block and function room)
LOCATION/ADDRESS:	Lot 1 on DP15023 (No. 345) Jalbarragup Road, Jalbarragup
NAME OF APPLICANT:	Mary Madden
FILE REFERENCE:	A731
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive a payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	14 February 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	<p>11.1.1 - Location map</p> <p>11.1.2 - Original plans and information from applicant</p> <p>11.1.3 - Summary of submissions</p> <p>11.1.4 - Submissions (in full)</p> <p>11.1.5 - Applicant’s planning consultant’s response to submissions and Ecosystem Solutions response to DFES comments.</p> <p>11.1.6 - Updated Site Plan</p> <p>11.1.7 - Extract of zoning map for locality</p> <p>11.1.8 - Local planning framework: extract of key documents</p> <p>11.1.9 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>

### BACKGROUND:

A Development Application has been lodged for a camping ground/caravan park comprising 25 camping/caravan sites, ablution block and function room (reception centre) to be located at Lot 1 (No. 345) Jalbarragup Road, Jalbarragup as shown in Attachment 11.1.1.

The site is located approximately 21 kilometres south-west of the Nannup town site and is 39.7703 hectares in area, largely cleared, contains a blue gum plantation, various dwellings, holiday accommodation, outbuildings and a large dam. The site is bordered by the Blackwood River to the north and west, private property to the south and Jalbarragup Road to the east. The property has operated short-term holiday accommodation for many years.

Attachment 11.1.2 outlines the original details provided by the applicant, which were the plans subject to public consultation. This includes a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) prepared by Ecosystem Solutions. The original plans proposed 25 camp/caravan sites, a function room converting an existing building plus a new ablutions block.

### Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to adjoining/nearby landowners within 500 metres of the subject site, Darradup Volunteer Bush Fire Brigade, various agencies/stakeholders, placing details on the Shire website and having details available at the Shire office.

The Shire received 62 submissions on the Development Application as summarised in Attachment 11.1.3 and as set out in full in Attachment 11.1.4. The breakdown of submissions is:

- 50 submitters raised concerns/objections;
- 10 supported the application; and
- 2 did not object to the proposal but raised issues to review and address.

The submissions which oppose the application raised matters including:

- Amenity impacts including noise, light spill, dust, a loss of tranquillity and potential for trespassing;
- Negative impact on crime, anti-social behaviour and road safety;
- Traffic and safety impacts;
- Environmental impacts including clearing of native vegetation, impacts on a range of fauna and creating pollution;
- Increased fire risks;
- Lack of potable water;
- Waste management;
- Impacts on power supply and telecommunications;
- Impacts on the Blackwood River and the foreshore;
- Incompatibility with locality and proximity to blue gums;
- Visual/landscape impacts;
- Greater risk of emergency management incidents;
- Inconsistent with the planning framework;
- No community benefit;
- Impacts on caravan parks in Nannup;
- Devaluing property prices;
- Heritage impacts; and
- Insufficient car parking.



### Revised plans

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant in turn has engaged a planning consultant (Ahola Planning) to assist. Ahola Planning have provided their response to the issues raised as set out in Attachment 11.1.5. Ahola Planning have also provided a modified site plan as shown in Attachment 11.1.6.

The revised site plan in Attachment 11.1.6 replaces the original site plan in Attachment 11.1.2. The revised site plan, set out in Attachment 11.1.6 is the plan being assessed in this report by the Shire administration and the Council.

Ahola Planning were not engaged to prepare updated floor plans or elevations. The latest floor plans and elevations are set out in Attachment 11.1.2

### Planning framework

Attachment 11.1.8 sets out an extract of key planning documents relevant to this Development Application.

Attachment 11.1.7 provides an extract of the LPS4 map for the locality. The application site is zoned 'Rural'. In comparison, most of the land on the north of the Blackwood River in the locality is zoned 'Rural Residential'.

Other key local planning documents related to the proposal include the *Shire of Nannup Local Planning Strategy*, *Local Planning Policy LPP12 Tourist Accommodation in Rural Areas*, and *Local Planning Policy LPP13 Car Parking and Vehicular Access*.

'Camping ground' and 'caravan park' are an 'A' use in the Rural Zone as set out in the LPS4 Zoning Table. This means the Council has the legal power under LPS4 to approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions (seeking community and stakeholder comment).

The *Shire of Nannup Local Planning Strategy* states in Section 5.4 Tourism that its aims are to:

- a) Encourage the development of a wide range of tourist and recreation facilities, tourist accommodation and activities for visitors in appropriate locations within and near the Nannup town site and in the rural areas of the Shire that appropriately address bushfire planning, environmental assets, landscape qualities and compatibility with adjoining land uses; and
- b) Encourage the establishment of businesses, which attract and promote the Nannup town site and the Shire as a tourist destination.

The *Shire of Nannup Community Strategic Plan 2021-2036* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

The application and the site are subject to a range of State planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)*, *Guidelines for Planning in Bushfire Prone Areas* and the *Government Sewerage Policy*. In summary, the documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

The *Guidelines for Planning in Bushfire Prone Areas* outline that the proposed camping ground is a 'vulnerable land use'. This includes uses, such as short stay accommodation or tourist development uses that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

The entire property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

Attachment 11.1.8 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

#### **COMMENT:**

##### A) Overview

Following an assessment of the Development Application against the planning framework, the submissions and information provided by the applicant's planning consultant, the Development Application is considered to be generally consistent with LPS4, strategies and policies. It is also considered that the proposed uses and development are appropriate for the application site.

It is recommended that Council conditionally approve the Development Application (based on the plans in Attachment 11.1.2 and the revised site plan outlined in Attachment 11.1.6) given:

- It is overall consistent with the planning framework;
- It supports diversifying and growing the local economy, supporting job creation and supports tourism;
- The camping ground/caravan park is well separated from off-site agricultural operations;
- No clearing of native vegetation is proposed;
- There are expected to be manageable environmental impacts given the land is cleared and wastewater disposal systems are required to comply with Shire and Department of Health requirements;
- It is a modest sized camping/caravan park;
- Increased traffic can be accommodated on local roads;

- There are no objections from other Shire officers/units;
- Ecosystem Solutions confirm that the application addresses *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and *Guidelines for Planning in Bushfire Prone Areas*;
- Development conditions can assist to control the use and management of the development; and
- There is a need for the landowner/applicant to obtain various other approvals including a licence under the *Caravan Park and Camping Grounds Act 1995*.

## B) Key Issues

While noting the above, there are various issues associated with the proposed development, which should be considered by the Council in determining the Development Application. Some of these issues are outlined below including:

- Traffic impacts;
- Amenity impacts including noise, light spill, limiting the number/timing of events and suitable buffers;
- Bushfire risks, emergency management and timing of events;
- Appropriate servicing including potable water, on-site sewerage, and upgrading the crossover; and
- Effective governance/management of the facility that can be sustained.

### Amenity

During the consultation process, various issues and concerns were raised in relation to the compatibility of the proposed camping/caravan sites and function room in relation to the area's amenity. Concerns included noise, light spill and separation distances (buffers). The camping grounds/caravan park have substantial separation distances to offsite dwellings. The closest offsite dwelling is 450 metres to the east, with most submitters located over 1 kilometre from the camping/caravan sites.

### Noise impacts

The Shire acknowledges the concerns from various submitters with regards to noise. Some of the concerns are addressed through statutory requirements such as the *Environmental Protection (Noise) Regulations 1997* and through licencing association with the *Caravan Parks and Camping Grounds Act 1995*.

The *Environmental Protection (Noise) Regulations 1997* apply to the site (and throughout Western Australia). Should written complaints on noise be received in the future, the Shire will separately investigate.

Sensitive land uses (residences) are generally well separated from the camping ground. Based on aerial photography, the closest dwelling appears to be located approximately 450 metres from the facility.

There are opportunities to review appropriate noise insulation along with the careful design of major openings (doors and windows) of the renovated function centre.

Various development conditions and advice are recommended relating to noise including the number of events.

#### Visual impact

It is suggested there will be minimal visual impacts given the proposed camping ground/caravan park is a considerable distance from Jalbarragup Road with camp/caravan sites located within a vegetated area.

The camp/caravan sites are also screened by substantial vegetation to the north, the vineyard to the east and the blue gum plantation.

#### Clearing of native vegetation

The applicant's planning consultant makes it clear that there will be no clearing of native vegetation. There will be a need for trimming some trees and the clearing of bracken.

#### Bushfire & Emergency Management

Tourist development is a vulnerable land use. There are considerable risks to visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area.

While noting this, based on Ecosystem Solutions advice and subject to implementation and on-going review of the BMP and BEEP, it appears that associated risks can be managed. Ecosystem Solutions, through their BMP and BEEP and response to the DFES comments, consider the application addresses State planning requirements (refer to Attachment 11.1.2 and 11.1.5).

Having onsite management (the owner/manager) assists to lower bushfire risks.

Should Council approve the Development Application, there is a need for the applicant to implement recommendations in the BMP and BEEP.

Practically, the camping ground/caravan park may be required to temporarily close in severe bushfire risk conditions or in the event of a bushfire emergency in the area.

#### Flood risk

There is no flood mapping for the locality. Council policies adopt a precautionary approach to flood risk. Should Council consider granting development approval, development conditions and advice can also assist to minimise risks. This includes that electrical installations are raised and future owners are aware of flood risks (including adding a notification to the Certificate of Title).

No buildings are proposed in a floodway. Given the proposed function room is an existing shed, the only new proposed building is an ablution block. It is recommended the finished floor level addresses DWER advice.

Given the advice provided by DWER and other mitigating measures, flood risks can be managed for this proposed facility.

#### Vehicle access and safety

Jalbarragup Road is a local road under the control of the Shire and is sealed.

The Shire's Manager Infrastructure raised no objection to impacts on Jalbarragup Road. The proposed development is a manageable increase in traffic.

A number of submissions raised issues relating to Jalbarragup Road not being safe and not able to accommodate additional traffic associated with the proposed development.

The proposed development will increase traffic volumes. The applicant's planning consultant suggests the proposed development is expected to result in an increase of approximately 50 vehicle movements per day. This is based on an assumption of an average of 2 trips per vehicle per day (1 in and 1 out).

While noting the actual figure may differ, the level of traffic from the proposed development can be accommodated on adjoining roads.

For most of the year, the traffic generated by the development will be modest. There will be increased traffic for occasional functions. The impact of the proposed development on local roads is expected to be overall manageable.

Accordingly, the Shire administration considers that Jalbarragup Road adjoining the site to be suitable and that no developer contribution is required for this Development Application. Should the applicant propose additional development, this may trigger the need for upgrading local roads by the applicant. Council's *Local Planning Policy 20 Developer and Subdivider Contributions* sets the local planning guidance.

The existing crossover is unusually split into two entrances. This may need to be reviewed to locate the safest crossover location. The crossover has good sight distances to the south with reduced sight distances to the north (the bridge). There is a need to identify a suitable crossover location to the satisfaction of the Shire.

The officer recommendation includes a condition requiring the applicant to review the current design, drain and seal the crossover for a length of 10 metres to provide a safer vehicle entry and exit point.

The crossover is required to be sealed and drained in accordance with Council Policy which will promote safety.

All proposed parking is required to be suitably located on site. The revised site plan (Attachment 11.1.6) shows 41 car parking bays.

### Servicing

The development is not connected to a reticulated sewerage system and therefore the proposed on-site wastewater disposal systems will need to be located and designed to address human health and environmental considerations. There is sufficient space to provide a 100 metre setback and meet other Government Sewerage Policy requirements.

As there is also no reticulated water supply, the applicant will need to ensure a potable water supply is available at all times in accordance with Australian drinking water standards.

Impacts from development are considered manageable and can be addressed through a development condition in preparing, gaining approval and implementing a stormwater management plan.

### On-going management

Effective on-going management is a critical issue. It is suggested the planning consideration relates to effective management including being a 'good neighbour'. This is a critical issue that can only be addressed following the site being used for the intended purpose. Significantly, the responsibility for appropriate on-going management rests with the operator to ensure that the development does not create inappropriate impacts.

Various development conditions are recommended to minimise land use impacts and encourage appropriate neighbourly relations. This includes the requirement to prepare and gain approval for an appropriate Management Plan. There is a separate requirement to gain a licence associated with the *Caravan Parks and Camping Grounds Act 1995*.

It is suggested that the Management Plan, amongst other matters, should:

- Address the responsibility of guest/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
- Consider and address impacts from guests/visitors including amplified music and other noise;
- Outline the approach to maximise the safety and security of guests and visitors;
- Seek the operation to be a good neighbour and be considerate including noise, litter, trespass and the approach to reducing fire risks;
- Highlight the requirement to not enter adjoining or nearby freehold land;
- Restrict and/or manage pets and address biosecurity;
- Not light any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
- Adhere to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, fireworks, flame-based décor or open fires are to be used during the restricted fire season;
- Fire equipment to be provided on site;

- Acknowledge that the property is situated in a rural area where agricultural land uses and land management should be expected and tolerated; and
- Recognise existing farming operations have a 'right to farm' without interruption or undue impact from the camping ground/caravan park.

### C) *Conclusion*

Based on the above, it is recommended that Council approve the Development Application subject to conditions. The Council could alternatively choose to defer making a decision on the matter and seek additional information or it may determine to refuse the Development Application.

### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, LPS4 and Caravan Parks and Camping Grounds Act 1995.*

Subject to the Council's decision, the applicant separately needs to obtain a Building Permit, On-site Wastewater Approval, gain a licence under the *Caravan Parks and Camping Grounds Act 1995* and meet additional requirements.

### **POLICY IMPLICATIONS:**

Local Planning Policies are relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application. Relevant policies include *LPP11 Development in Flood Risk Areas, LPP12 Tourist Development in Rural Areas* and *LPP21 Bushfire Management*.

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *SPP 3.7 Planning in Bushfire Prone Areas*.

### **FINANCIAL IMPLICATIONS:**

The applicant has paid the Development Application fee. The applicant has a right of review to the State Administrative Tribunal to review the Council's decision. If this occurred, the Shire would have associated costs.

**STRATEGIC IMPLICATIONS:**

The proposed camping ground is considered consistent with aims of the Local Planning Strategy and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw additional visitors to the Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2021-2036*.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council approve the Development Application for a camping ground, caravan park, ablution block and function room (reception centre) at Lot 1 on Deposited Plan 15023 (No. 345) Jalbarragup Road, Jalbarragup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of three (3) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.
2. The development hereby approved is to be carried out in accordance with the plans and documentation set out in Attachment 11.1.2, plus the updated site plan in Attachment 11.1.6 addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. A maximum number of 25 camping sites and/or caravan sites.
4. The reception centre is limited to a maximum of 150 people.
5. There is a maximum number of 12 events a year using the function centre/reception centre (not associated with the provision of day-to-day services/amenities for campers).
6. The landowner (or manager/caretaker) lives on the application site while the camping grounds/caravan park are operational.
7. The applicant is to submit and gain local government approval for a Management Plan, prior to commencement of the development, which addresses the responsibility for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.



8. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period. In this regard, the owner/caretaker is to maintain a register of guests and the duration of their occupation to the satisfaction of the local government. The register shall be made available for perusal by Shire officers on demand.
9. A Bushfire Management Plan is to be approved by the local government and then implemented prior to commencement of the development including the provision of the 10,000 litre water tank (fire-fighting). Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
10. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.
11. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the local government. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
12. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to commencement of the development.
13. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the development.
14. The applicant prepares a Waste Management Plan to the satisfaction of the local government to ensure that recycling and rubbish are effectively removed from the site to the satisfaction of the local government. The applicant to then appropriately implement the approved Waste Management Plan on an on-going basis to the satisfaction of the local government.
15. The car parking spaces, access ways and vehicle manoeuvring areas are to be designed, constructed to minimise dust and drained prior to occupation. The operator shall appropriately control dust for these areas on an on-going basis to the satisfaction of the local government.
16. The crossover between the front property boundary and Jalbarragup Road is designed, sealed to a minimum length of 10 metres and drained at the applicant's cost to the satisfaction of the local government prior to commencement of the development.
17. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. In particular lighting

should be designed in accordance with *AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting*.

18. The minimum floor level of the proposed ablution block is at least 47.5m AHD (Australian Height Datum) with this level confirmed by a licensed surveyor and submitted for Shire endorsement prior to the commencement of works.
19. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.
20. The landowner meets the costs of adding a notification (section 70A or a memorial) to all Certificate of Titles associated with the approval setting out that the property is within a bushfire prone area to satisfaction of the local government, prior to commencement of the development.
21. No clearing of native vegetation (other than replanting native vegetation).
22. The applicant should ensure that guests/visitors (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially low in volume between 10.00pm and 7.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.

#### Advice

- A) The applicant is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 7, the Management Plan is to:
  - (i) Address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
  - (ii) Outline the approach to maximise the safety and security of guest and visitors including fencing to the adjacent Blackwood River;
  - (iii) Seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks;
  - (iv) Consider and address impacts from guests/visitors including amplified music and other noise;
  - (v) Address trespass and litter;
  - (vi) Restrict and/or manage pets and address biosecurity;
  - (vii) Not light any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
  - (viii) Adhere to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, flame-based décor or open fires are to be used during the restricted fire season;

- (ix) Acknowledge that the property is situated in a rural area where agricultural land uses and land management should be expected and tolerated; and
- (x) Acknowledge that the development is located in an agricultural area and that the impacts of agricultural pursuits should be expected and tolerated.
- (xi) Recognise existing farming operations have a 'right to farm' without interruption.
- C) In relation to Conditions 9 and 10, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- D) In relation to Condition 12, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.
- E) In relation to Condition 15, the applicant is encouraged to review the requirement to provide a water truck or a water tank on a trailer for the duration of events, if ground conditions are dry, to suppress dust on the driveway and in carparks.
- F) In relation to Condition 19, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- G) In relation to Condition 22:
- Should there be any reported written noise complaints, the Shire will seek to work through matters with the applicant/proponent to seek a suitable outcome. If there are still concerns, it may require the applicant/proponent to appoint an acoustic consultant to undertake a noise assessment and prepare a noise management plan to assess the development against the *Environmental Protection (Noise) Regulations 1997*. The Shire will then review the noise assessment and the noise management plan and consider implications, options and ways of assuring that the Regulations are addressed; and
  - The operator/manager should be on-site for all functions. The operator/manager will be responsible for visitor behaviour and ensuring noise impacts meet the *Environmental Protection (Noise) Regulations 1997*.
- H) The applicant is advised that the approved development must comply with the *Caravan Park and Camping Ground Regulations 1995*, including the requirement to obtain an annual licence for the camping ground/caravan park, and the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- I) The applicant is advised that the approved development must comply with other statutory requirements including the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Nannup Health Local Laws*.
- J) There is a need to maintain suitable fencing between the application site and Reserve 43555.

- 
- K) The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.
- L) Further development and/or intensification of development on the property, which creates increased traffic, may result in a need for a proportional developer contribution for road upgrading as part of a future Development Application.
- M) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

AGENDA NUMBER & SUBJECT:	11.2 – Delegated Planning Decisions for January 2023
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 February 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 – Register of Delegated Development Approvals

### 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 on a monthly basis 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 January 2023 is presented in Attachment 11.2.1.

### 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 January 2023, three (3) 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 January 2023 compared to January 2022:

	January 2022	January 2023
<b>Delegated Decisions</b>	0	3 (\$575,000)
<b>Council Decisions</b>	0	0
<b>Total</b>	<b>0</b>	<b>3 (\$575,000)</b>

100% of all approvals issued in the month of January 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 REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for January 2023 as per Attachment 11.2.1.

AGENDA NUMBER & SUBJECT:	11.3 – Rates Exemption – Nannup Community Resource Centre Incorporated
LOCATION/ADDRESS:	Lot 13 (10) Warren Road
NAME OF APPLICANT:	Nannup Community Resource Centre Incorporated
FILE REFERENCE:	A297
AUTHOR:	Kellie Jenkins – Deputy Chief Executive Officer/ Manager Corporate Services
REPORTING OFFICER:	Kellie Jenkins – Deputy Chief Executive Officer/ Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 February 2023
PREVIOUS MEETING REFERENCE:	N/A
ATTACHMENT:	11.3.1 – Rate Exemption Application

### **BACKGROUND:**

Nannup Community Resource Centre (CRC) have submitted an application for rate exemption on Lot 13 (10) Warren Road, Nannup. This is a commercial property purchased in February 2011 by Nannup CRC. Nannup CRC are the sole occupants of the property. In April 2011, Nannup CRC received planning approval to change the commercial use of the property of Shop to Community purposes.

According to Nannup CRC constitution the objects of Nannup CRC shall be:

- To provide an infrastructure in the Nannup region to assist the community to gain access to opportunities in education, communications, training, employment, business enterprise, community and economic development programs.
- To utilise the skills, knowledge and expertise of the Community Resource Centre personnel and collaborate with other organisations for the benefit of the local and regional community.
- To provide access to services and information that support capacity building within the community.
- To provide access to services and information to address issues of disadvantage within the community including issues of low socio-economic status, health, isolation and unemployment.
- Develop partnerships and business opportunities relevant to the needs of the community.
- Work with stakeholders, other Community Resource Centres and all tiers of government to increase the profile of the WA Community Resource Network.
- Provide members of the community with access to, and training in, the use of information technology.
- The property and income of the Community Resource Centre shall be applied solely towards the promotion of the objects of the Community Resource Centre.

As per the rate exemption application Nannup CRC provide services for a public purpose at cost, near cost or free of charge. Services provided by Nannup CRC include, but not limited to:

- Community support services
- Volunteer resource centre services
- Community Bus Management
- Friends of Community Bus
- Community information
- Training
- Community Publications
- New resident information sessions
- Traineeships
- Community meeting room
- Community events and programs
- TransWA Bookings.

**COMMENT:**

In accordance with Section 6.26(2)(g) of the Act, land is not rateable if it is used exclusively for charitable purposes. Rate exemption applications need only be considered in two parts – being firstly the use itself “charitable” and secondly if the use is considered charitable, then is the property being used “exclusively” for such use.

In considering the first part, that is, ‘are the operations of Nannup CRC considered to be a charitable use’. As per the rate exemption application:

- in May 2000, Nannup CRC was formed and approved under *Associations Incorporation Act 2015* as an ‘other incorporated entity’, being eligible for incorporation for the purpose of establishing, carrying on or improving a community centre, or promoting the interests of a local community or a particular section of a local community and for educational, charitable or benevolent purpose.
- In December 2012, Nannup CRC was registered and as an incorporated Not-for-profit organisation as governed by the *Australian Charities and Not-for profits Commission Act 2012* and *Australian Charities and Not-for-profits Commission Regulation 2013*.

In considering the second part, that is, ‘is the property being exclusively used for a charitable purpose’, this criteria is being met by Nannup CRC as they are the sole owners and occupants of the property and due to the services that they provide from the property.

In terms of the current usage of the property, there are no known planning, health or building compliance issues. The use by Nannup CRC meets the property “commercial” zoning.

If rate exemption is approved then the applicant will be instructed to confirm by 30 April annually that they continue to own the property and that its use remains as per the application. If a change has occurred and the new use is not eligible for rate exemption then the property will become rateable.



**STATUTORY ENVIRONMENT:**

Section 6.26 of the *Local Government Act 1995* provides broad definitions for rateable and non-rateable land. Section 6.26 (2) (g) states that land is not rateable if it is “used exclusively for charitable purposes”.

**POLICY IMPLICATIONS:**

FNC 11 Rates Exemption.

**FINANCIAL IMPLICATIONS:**

The rates levied on Lot 13 (10) Warren Road Nannup are \$2,235 for the 2022/23 financial year. Therefore, rate exemption, if granted effective 1 July 2022, will result in a \$2,235 reduction to the 2022/23 rating income and similar amounts for the ensuing years.

**STRATEGIC IMPLICATIONS:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council, pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, grant a charitable rate exemption to Nannup Community Resource Centre for the property at 10 (Lot 13) Warren Road, Nannup (A297), on the basis that the land is being used exclusively for charitable purposes, effective 1 July 2022 and remaining in force for the duration of the current use of the property, subject to the following:

a) Nannup Community Resource Centre confirm in writing by 30 April of each year that the property use is the same as stated in the rate exemption application.

AGENDA NUMBER & SUBJECT:	11.4 – Payment of Accounts – December 2022
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	13 February 2023
ATTACHMENT:	11.4.1 – Payment of Accounts – December 2022

**BACKGROUND:**

To advise Council of payments made from the municipal fund or trust fund for the period 1 December to 31 December 2022.

**COMMENT:**

If Council would like to ask questions about the payment of accounts, prior notice of these questions will enable officers to provide detailed explanation in response at the Council meeting.

**Municipal Account**

Accounts paid by EFT	15330 to 15440	\$592,210.63
Accounts paid by cheque	20589 to 20592	\$10,377.15
Accounts paid by Direct Debit	11972.1 to 12056.1	\$80,586.08
<i>Sub Total Municipal Account</i>		<u>\$683,173.86</u>

**Trust Account**

Accounts paid by EFT	15381	\$226.60
<i>Sub Total Trust Account</i>		<u>\$226.60</u>
<b>Total Payments</b>		<u><u>\$683,400.46</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 meeting of the Council to which the list is to be presented.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority

**OFFICER RECOMMENDATION:**

That Council endorse the payment of accounts totally \$683,400.46 for the period 1 December 2022 to 31 December 2022 as per Attachment 11.4.1.

AGENDA NUMBER & SUBJECT:	11.5 – Financial Activity Statement – December 2022
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 February 2023
ATTACHMENTS:	11.5.1 – Financial Activity Statement – December 2022

### **BACKGROUND:**

The financial statements are presented to Council in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, stipulate that a Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds.

Section 6.4 of the *Local Government Act 1995*, requires that financial reports be prepared and presented in the manner and form prescribed in the *Local Government (Financial Management) Regulations*.

The requirement is for a Statement of Financial Activity with a report detailing material variances. The Financial Report presented includes this as well as other statements and supplementary information.

### **COMMENT:**

The Financial Statements for the period ending 31 December 2022 present the financial performance of the Shire for the 2022/23 financial year and compare year to date expenditure and revenue against the corresponding year to date budget.

Attached for consideration is the completed Monthly Financial Report as per Attachment 11.5.1.

The document attached includes Statement of Financial Activity by Nature or Type, Notes to the financial statements and an explanation of material variances.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995, Section 6.4.*

*Local Government (Financial Management) Regulations 1996, Regulation 34.*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the period ending 31 December 2022 as per Attachment 11.5.1.

AGENDA NUMBER & SUBJECT: 11.6 – *Bush Fires Act 1954* Delegations - **WITHDRAWN**

AGENDA NUMBER & SUBJECT:	11.7 – Nannup WA Geopark – Static Display Location
LOCATION/ADDRESS:	Nannup Recreation Precinct
NAME OF APPLICANT:	Nannup WA Geopark
FILE REFERENCE:	TRS 1
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	17 February 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.7.1 – Presentation Static Display Options 11.7.2 – Presentation to Council Forum in November 2022

### **BACKGROUND:**

The Nannup WA Geopark Association approached the Shire in November 2022 and provided a presentation to the Concept Forum providing an update on their project to have an UNESCO Global Geopark in Nannup.

UNESCO Global Geoparks are single, unified geographical areas where sites and landscapes of international geological significance are managed with a holistic concept of protection, education and sustainable development. Their bottom-up approach of combining conservation with sustainable development while involving local communities is becoming increasingly popular. At present, there are 177 UNESCO Global Geoparks in 46 countries.

The project would be fully funded by the Association and the only request to the Shire is a location for them to construct their static display.

### **COMMENT:**

The attached presentation illustrates a number of locations they have considered for the placement of the static display.

They have determined that there are two preferred locations;

1. The old fire training area between Warren Road and Cricket Nets near Recreation Centre.

The area between the main road and the cricket nets is our preferred location. The area fulfils all the requirements on the checklist. Importantly it would not infringe on any other organizations with this area. The Nannup WA Geopark team believe that it will only enhance the area.

## 2. South side of the EMU Nature Playground

The area on the south side of the EMU nature playground was given a lot of thought however it is believed it will take away space that is used for functions and events. This area also gets very wet during the winter, potentially raising the cost of construction. The area also has low visibility from the main road.

The preferred location is believed to be an appropriate location by officers as it will enhance the Marinko Tomas Park and Recreation Precinct. The display would support the existing investment by the Shire and would fit well with future arts, tourism and liveable Nannup planning and investment.

### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

### **POLICY IMPLICATIONS:**

Nil.

### **FINANCIAL IMPLICATIONS:**

Nil to Minimal – this project is to funded by the Nannup WA Geopark Association for construction and maintenance. There may be some insurance costs associated with the project however this could be recoverable from the Association if desired as a Memorandum of Understanding would need to be developed in conjunction.

### **STRATEGIC IMPLICATIONS:**

#### Our Economy

##### 2.2 Tourism and Attraction

We will work together to attract people, investment and innovation to our Shire

#### Our Natural Environment

##### 4.1 Our Sanctuary

We will protect, manage and enhance our natural assets, including our forests, managed bushland, rivers, agriculture and our pristine coastline

##### 4.3 Our Sustainable Future

We will strive to transition to cleaner sources of energy, and to incorporate and support environmental sustainability through our built environment, our economy, and to create unique experiences for our visitors.



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Our Health

5.3 Active and Healthy Lifestyles

We will provide adequate recreation facilities and healthy, affordable food choices.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council provide in principle support for the Nannup WA Geopark Static Display to be located at their preferred location being on the old fire training track between Warren Road and cricket nets.

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

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Nil.

**13. MEETING MAY BE CLOSED:**

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Nil.

**14. CLOSURE OF MEETING:**

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## Attachments

Item #	Attach	Title
<b>5.1</b>		19 January 2023 Ordinary Council Meeting Minutes
<b>11.1</b>	1	Location map
	2	Original plans and information from applicant
	3	Summary of submissions
	4	Submissions (in full)
	5	Applicant's planning consultant's response to submissions and Ecosystem Solutions response to DFES comments.
	6	Updated Site Plan
	7	Extract of zoning map for locality
	8	Local planning framework: extract of key documents
	9	Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>11.2</b>	1	Register of Delegated Development Approvals
<b>11.3</b>	1	Rate Exemption Application
<b>11.4</b>	1	Payment of Accounts – December 2022
<b>11.5</b>	1	Financial Activity Statement – December 2022
<b>11.7</b>	1	Presentation Static Display Options
	2	Presentation to Council Forum in November 2022