Minutes

Council Meeting held Thursday 17 September 2020

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Minutes

1. DECLARATION OF OPENING & ACKNOWLEDGEMENT OF COUNTRY:

The Shire President declared the meeting open at 5.32 pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE / VISITORS:

ATTENDANCE:
Shire President: Cr T Dean
Deputy Shire President: Cr R Mellema
Councillors: P Fraser, C Stevenson, C Buckland, V Corlett, C Brown.

Chief Executive Officer - David Taylor
Acting Manager Corporate & Community Services – Susan Fitchat
Development Services Officer - Jane Buckland
Governance Officer - Sarah Dean

APOLOGIES: Nil.

LEAVE OF ABSENCE (PREVIOUSLY APPROVED): Cr V Hansen

VISITORS: Wayne Leece.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

7. DECLARATIONS OF INTEREST:

Steve Thompson; Consultant Planner for the Shire of Nannup declared a Financial Interest in regard to 12.1 – Shire of Nannup Local Planning Scheme No. 4 – submitted to seek advertising as Edge Planning & Property receive planning fees for advice to the Shire.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

20111 BUCKLAND/FRASER

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 27 August 2020 be confirmed as a true and correct record.

CARRIED (7/0)

9. MINUTES OF OTHER COUNCIL COMMITTEES:

20112 STEVENSON/MELLEMA

9.1 That the Minutes of the Local Drug Action Group Committee meeting held 2 September 2020 be received.

9.2 That the Minutes of the Bush Fire Advisory Committee meeting held 7 September 2020 be received.

CARRIED EN BLOC (7/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

Nil.

11. REPORTS BY MEMBERS ATTENDING COMMITTEES:

Date	Meeting	Councillor
28/08/20	Western Australian Local Government Association – South West Zone	Dean
7/9/20	Bush Fire Advisory Committee	Mellema, Stevenson
	Local Drug Action Group	Stevenson
10/09/20	BIG N	Buckland
2/09/2020	Western Australian Local Government Association – State Council	Dean

AGENDA NUMBER:	12.1
SUBJECT:	Shire of Nannup Local Planning Scheme No.4 – submitted to seek advertising
LOCATION/ADDRESS:	All of district
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TPL 1
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the *Local Government Act 1995*
DATE OF REPORT:	3 September 2020
PREVIOUS MEETING REFERENCE:	27 July 2017
	12.1.1 – Draft Scheme Text 12.1.2 – Draft Scheme Map – Barrabup locality 12.1.3 – Draft Scheme Map – Nannup townsite surrounds 12.1.4 – Draft Scheme Map – Darradup locality 12.1.5 – Draft Scheme Map – Carlotta & Donnelly River localities. 12.1.6- Draft Scheme Map – Scott River & Lake Jasper localities. 12.1.7 – Draft Scheme Map – Peerabeelup locality 12.1.8 – Draft Scheme Map – Nannup townsite

BACKGROUND:

Purpose of report

The purpose of this report is for Council to consider whether to proceed to advertise the draft *Shire of Nannup Local Planning Scheme No. 4* (LPS4).

The Shire administration considers that draft LPS4 is now suitable to be referred to the Environmental Protection Authority (EPA) to seek 'environmental clearance' and suitable to seek consent to advertise from the Western Australian Planning Commission (WAPC).

Draft LPS4 is outlined in Attachments 12.1.1 and 12.1.2 – 12.1.8. LPS4 consists of the scheme text and scheme maps. The scheme text comprises a set of written objectives, provisions and standards that regulate the use and development of land zoned and reserved under the scheme. The scheme maps allocate all land within the district into either a Zone or Reserve. The scheme maps comprise 7 sheets.

Planning context and current Local Planning Scheme No.3

A Local Planning Scheme is a statutory document that controls and guides land use, development and subdivision. It can also support economic development, conservation and infrastructure/servicing initiatives.

The current *Shire of Nannup Local Planning Scheme No. 3* (LPS3) was gazetted on 14 December 2007.

In accordance with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), the Shire of Nannup is required to review its Local Planning Scheme every 5 years. Usually, this has resulted in modest changes/amendments to LPS3 to ensure the scheme is 'fit for purpose'. However, the introduction of the Regulations and the finalisation of the *Shire of Nannup Local Planning Strategy* have necessitated the requirement for a new scheme.

In time, on gazettal (finalisation) of LPS4, LPS3 will be revoked.

Council resolution

The Council, at its meeting on 27 July 2017 at Resolution 17137, resolved:

'That Council resolves to:

1. **Pursuant to Section 72 of the *Planning and Development Act 2005*, request the Chief Executive Officer to prepare a new Local Planning Scheme No. 4, which will cover the entire Local Government district, and as shown as the Scheme Map Area in Attachment 12.4.1, and upon gazettal revokes Local Planning Scheme No. 3.**

2. **Pursuant to Section 72 of the *Planning and Development Act 2005* and Regulations 19 and 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, request the Chief Executive Officer to forward to the Western Australian Planning Commission:**

   a) **A copy of Council's resolution deciding to prepare a new Local Planning Scheme No. 4, certified by the Chief Executive Officer.**

   b) **A map marked 'Scheme Map Area' signed by the Chief Executive Officer, on which is delineated the area of land proposed to be included in the Scheme.**

3. **Subject to receiving notification from the Western Planning Commission pursuant to Regulations 19 and 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015* request the Chief Executive Officer to:**

a) Publish a notice within a newspaper circulating in the district of the Local Government of the passing of the resolution deciding to prepare Local Planning Scheme No. 4.

b) Forward a copy of the notice to the Local Government of every adjoining district, each licensee under the *Water Services Act 2012* likely to be affected by the Scheme, the CEO of the Department of the Public Service principally assisting in the administration of the *Conservation and Land Management Act 1984* and each public authority likely to be affected by the Scheme for their recommendations in regards to preparation of the new Local Planning Scheme No. 4.

c) Pursuant to Section 81 of the *Planning and Development Act 2005*, forward a copy of the notice to the Environmental Protection Authority.'

Planning framework to support LPS4

Draft LPS4 builds on various changes to the State, regional and local planning framework over the past decade (and changes in recent months) along with changes to community expectations, increased efforts to diversify and grow the local economy and the approach to bushfire management. At a local level, LPS4 seeks to complement and assist in implementing the Local Planning Strategy and relevant aspects of the Community Strategic Plan.

COMMENT:

A) Overview

Draft LPS4 is presented to Council to determine whether it is considered appropriate to refer to the EPA for environmental clearance and refer to the WAPC to seek their consent to publicly advertise.

Draft LPS4 seeks to support various economic, community and environmental outcomes including:

- new urban, rural residential and rural smallholding areas will be provided near the Nannup townsite, with a range of lot sizes and lifestyle opportunities to support the Nannup townsite;
- supporting a more robust, resilient and expanded economy. Building on LPS3, there are various proposals to reduce 'red tape' including a significant number of developments and uses that are exempt from requiring development approval. LPS4 sets out that the establishment of businesses is encouraged in appropriate locations in the district provided relevant planning issues are addressed (including addressing off-site impacts, servicing and environmental considerations);
- agriculture is a key local industry and accordingly agricultural land is proposed to be effectively conserved and managed for agricultural production and rural

uses. There are also opportunities for appropriate and complementary land use change and value adding;
- minimising and controlling development in flood risk and extreme bushfire prone risk areas;
- environmental assets will be conserved and where possible enhanced; and
- the district's character, landscape and heritage qualities will be conserved.

B) Purpose of LPS4

The purpose of proposed LPS4 is to modernise the statutory planning controls within the district, reflect current best practice regarding land use planning and provide guidance for the future development of the district. LPS4 seeks to address various matters including:

- reserves and development in reserves;
- zones and permissibility of land use;
- specific and general development control provisions;
- special control areas;
- amenity;
- advertisements; and
- guidance in providing responses to the WAPC on subdivision applications.

The purpose of LPS4 is outlined in clause 8, while clause 9 sets out the Aims of Scheme.

LPS4, when finalised (gazetted), will amongst matters:

- provide the Council and the Shire administration with more contemporary statutory provisions;
- simplify several development issues; and
- include provisions relating to emerging or expected planning, natural resource management, servicing and design issues.

C) Key changes between LPS3 and draft LPS4

Draft LPS4 contains various zones and land use provisions which are similar to LPS3. There are, however, various new zones, reserves and several significantly amended or new provisions which in part are based on the Regulations. The key changes include:

- introducing new zones e.g. Rural Smallholdings, Tourism and Environmental Conservation;
- deleting the Special Residential, Mixed Use, Cluster Farming and Coastal Landscape zones;
- renaming various zones;
- combining the Agriculture Priority 1 – Scott Coastal Plain zone and the Agriculture Priority 2 zone into the Priority Agriculture zone;
- adding Special Control Areas including around the wastewater treatment plant and a special design/character area for portions of the Nannup townsite;

- modifying residential densities as broadly set by the Local Planning Strategy. Various properties in the Nannup townsite, outside of the floodplain, will see their R Codes (density) increase. For some properties, additional development or subdivision can only be achieved through connecting to the reticulated sewerage system;
- reducing duplication of provisions (such as for individual Special Rural zones);
- new or modified land use names and definitions;
- reviewing the permissibility of uses in different zones. The zoning table has been amended to balance supporting job creation/economic development with conserving amenity;
- introducing provisions relating to natural resource management including creating a significant tree register,
- seeking to address various anomalies in LPS3; and
- not supporting plantations in Priority Agriculture areas in Cundinup, Carlotta and Biddelia, based on recent Councillor feedback.

D) LPS4 text

The draft LPS4 text is crafted to be as flexible as possible in terms of the range of development/uses that can occur in relevant zones, while providing relevant guidance/controls to guide subdivision and development. Draft LPS4 adopts a risk-based approach and does not require development applications for a wide range of low-key and low-risk development/uses.

The LPS4 text includes:

- clauses on parking standards, the standard of development and design considerations;
- lower car parking standards in the town centre. This, for instance, changes the standard of one car bay per 25m^2 of new floor space for a shop or restaurant in LPS3 to 1 cay bay per 40m^2 of new floor space in draft LPS4. This follows a review of car parking standards in several non-metropolitan and metropolitan local government schemes and to support job creation and economic development;
- provisions relating to the new zones of Rural Smallholding, Tourism and Environmental Conservation; and
- addressing the repetition of provisions in Schedules 2 and 7 of LPS3 relating to the Additional Use and Special Rural zones.

E) Mount Folly

Mount Folly, an extensive area to the east of the Nannup townsite, is currently zoned as ‘Future Development’ in LPS3. Prior to subdivision or major development, a structure plan is required to be approved by the WAPC.

The WAPC endorsed *Shire of Nannup Local Planning Strategy* includes Action C78 which states ‘The local government will designate land at Mount Folly as ‘Rural’ on the Strategy Plans (Precinct C in Figure 5) and to zone this land as ‘Rural’ in LPS4 due to significant bushfire risk and management issues identified by the Department of Fire

and Emergency Services via the Shire's *Nannup Townsite Bushfire Hazard Level Assessment (August 2016)*'.

In accordance with the *Shire of Nannup Local Planning Strategy,* draft LPS4 zones Mount Folly as 'Rural'. This is essentially a 'down zoning' from LPS3, however it does reflect WAPC requirements through the Local Planning Strategy.

It is expected a structure plan will be shortly submitted by proponents, for a portion of the Mount Folly area, to facilitate tourist accommodation. Once submitted, the structure plan will be considered on its merits including against the current 'Future Development' zoning.

F) Next steps

The process for preparing and finalising a Local Planning Scheme takes time. Should Council agree with the officer recommendation, the following next steps are summarised below:

- draft LPS4 will be assessed by the EPA with the objective, from the Shire's perspective, of gaining EPA environmental clearance;
- the WAPC will assess and in time grant consent to advertise draft LPS4 (with or without modifications);
- draft LPS4 is advertised for a minimum of three (3) months. Draft LPS4 will be well publicised. Submissions will be invited through advertisements in papers, writing to government agencies and other stakeholders, details on the website, social media and at the Shire office;
- following the close of the advertising period, submissions will be assessed by the Shire administration and Council with suggested modifications considered. After this, the Council will again consider draft LPS4 and determine whether it will seek final approval from the Minister for Planning (with or without modifications);
- the WAPC will consider the submissions and the Council's response to the submissions. The WAPC, in-turn, will make a recommendation to the Minister for Planning; and
- the Minister for Planning will, in-time, grant final approval with LPS4 incorporated into the Government Gazette. At this stage, LPS4 has legal effect and LPS3 will no longer exist.

The timing to finalise LPS4 is dependent on many factors. Significantly, most of these factors are outside the power of the Shire as they involve other parties.

CONSULTATION:

Councillors have been briefed throughout the process of preparing draft LPS4 including through briefings from the Shire administration.

Preliminary consultation has occurred with various State Government agencies.

Draft LPS4, in time, will be subject to community and stakeholder consultation in accordance with the Regulations. The Shire is required to consult for at least 3 months.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and *Planning and Development (Local Planning Schemes) Regulations 2015*. The Regulations set out the statutory process in preparing and advertising a Local Planning Scheme.

A Local Planning Scheme is a statutory planning instrument used by local government to regulate zoning, land use and development.

The deemed provisions of the Regulations have significant implications on LPS4. For instance, the Regulations set out that a single house which is consistent with the deemed-to-comply requirements of the *Residential Design Codes of Western Australia* does not require development approval from the Shire (if outside of a Special Control Area). This can have amenity impacts in residential areas for certain types of dwellings. To address this, a Development Control Area (Nannup Townsite Character) Special Control Area is proposed in draft LPS4.

POLICY IMPLICATIONS:

There will be a need to review and prepare various local planning policies to support LPS4. This is particularly important given the WAPC now require local planning schemes to be more concise with details set out in other planning tools such as local planning policies.

FINANCIAL IMPLICATIONS:

These are budgeted for. The Shire will meet the cost of advertising draft LPS4 including placing notices in local papers and time there will be a cost of the notice in the Government Gazette.

ECONOMIC IMPLICATIONS:

There are expected to be significant and wide-ranging economic implications to individuals and the community in the short and longer term. Many sites have potential for additional development/subdivision, however some sites will not be able to be developed or subdivided given they have environmental, servicing, landscape or other planning constraints.

LPS4 provisions have been formulated to support development in the district through supporting the growth and diversity of the local economy along with the provision of additional residential, commercial, industrial and tourism growth.

STRATEGIC IMPLICATIONS:

The preparation and finalisation of LPS4 is an objective of the Shire's Strategic Community Plan.

LPS4 (and the associated Local Planning Strategy) will establish Council's land use planning framework for the district. Accordingly, the finalised LPS4 will have significant implications on development and subdivision in the district along with influencing infrastructure coordination, economic development and managing natural resources. There are wide ranging implications which are summarised in this report and outlined in the attached draft LPS4.

RECOMMENDATION:

That Council resolves to:

1. Pursuant to sub-regulation 21(1)(a) of the *Planning and Development (Local Planning Scheme) Regulations 2015,* proceed to advertise the draft *Shire of Nannup Local Planning Scheme No. 4* as outlined in Attachments 12.1.1 and 12.1.2 without modification.

2. Forward the draft *Shire of Nannup Local Planning Scheme No. 4* to the Environmental Protection Authority with a request that environmental clearance be given.

3. Following the Environmental Protection Authority giving environmental clearance, request that the Western Australian Planning Commission grant consent to advertise the draft *Shire of Nannup Local Planning Scheme No. 4.*

4. When advertising approval is granted, advertise the draft *Shire of Nannup Local Planning Scheme No. 4* in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015.*

5. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Environmental Protection Authority, Department of Planning, Lands and Heritage, Western Australian Planning Commission and other stakeholders and make modifications to the *Shire of Nannup Local Planning Scheme No. 4* if directed to by the Western Australian Planning Commission.

20113 BUCKLAND/MELLEMA

That Council resolves to:

1. ***Pursuant to sub-regulation 21(1)(a) of the Planning and Development (Local Planning Scheme) Regulations 2015, proceed to advertise the draft Shire of Nannup Local Planning Scheme No. 4 as outlined in Attachments 12.1.1 and 12.1.2 without modification.***

2. ***Forward the draft Shire of Nannup Local Planning Scheme No. 4 to the Environmental Protection Authority with a request that environmental clearance be given.***

3. ***Following the Environmental Protection Authority giving environmental clearance, request that the Western Australian Planning Commission grant consent to advertise the draft Shire of Nannup Local Planning Scheme No. 4.***

4. ***When advertising approval is granted, advertise the draft Shire of Nannup Local Planning Scheme No. 4 in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.***

5. ***Delegate authority to the Shire's Chief Executive Officer to progress matters with the Environmental Protection Authority, Department of Planning, Lands and Heritage, Western Australian Planning Commission and other stakeholders and make modifications to the Shire of Nannup Local Planning Scheme No. 4 if directed to by the Western Australian Planning Commission.***

CARRIED (7/0)

AGENDA NUMBER:	12.2
SUBJECT:	Delegated Planning Decisions for August 2020
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 September 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.2.1 – 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.3 (LPS3) 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 August 2020 is presented in Attachment 12.2.1.

COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During August 2020, 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 August 2020 compared to August 2019:

	August 2019	**August 2020**
Delegated Decisions	2 ($9,300)	4 ($549,203)
Council Decisions	1 ($15,000)	1 ($23,000)
Total	**3 ($24,300)**	**5 ($572,203)**

80% of all approvals issued in the month of August were completed within the statutory timeframes of either 60 or 90 days. One application was not determined in the statutory timeframe of 60 days due to Council's decision at its meeting of 23rd July 2020 to lay the item on the table for further consideration prior to making a determination at its August meeting.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and LPS3.

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 LPS3 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.

RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for August 2020 as per Attachment 12.2.1.

20114 STEVENSON/BUCKLAND

That Council receives the report on Delegated Development Approvals for August 2020 as per Attachment 12.2.1.

CARRIED (7/0)

AGENDA NUMBER:	12.3
SUBJECT:	Request Fire & Emergency Services Commissioner to extend the Shire of Nannup's Restricted and Prohibited Burning Periods
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FRC 1 and FRC 4
AUTHOR:	Rosalyn Edwards – Ranger Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 September 2020
ATTACHMENT:	12.3.1 - 2020/2021 Fuel Hazard Reduction & Firebreak Notice

BACKGROUND:

For a number of years, the Shire of Nannup has advertised within its annual fire notice restricted burning period dates that differ from the Fire and Emergency Services (FES) Commissioner gazetted dates. For a local government to vary its dates from the FES Commissioners' dates requires approval from the FES Commissioner beforehand. This item seeks to formally commence that process of approval.

COMMENT:

Currently the FES Commissioner dates, gazetted 3 Feb 2012 are as follows:

- Restricted burning period – 9 November to 30 April
- Prohibited burning period - 18 December to 28 February

The previously used and preferred dates for the Shire of Nannup Firebreak and Fuel Hazard Reduction Notice are:

- Restricted burning period - 3 November to 31 May
- Prohibited burning period - 18 December to 28 February

Councillors will note that the only differentiation from the FES Commissioners dates is that Shire of Nannup wishes to extend the Autumn period from 30 April to 31 May each year. This has been discussed extensively within the Bush Fire Advisory Committee (BFAC) and it is unanimously agreed that this extended date is in alignment with the changing climatic conditions experienced in autumn and improve community safety.

The Bush Fire Advisory Committee (BFAC) at their meeting held on the 7 September 2020 recommends Council to request FES Commissioner have the amended Nannup restricted burning dates amended to be:

- Restricted burning period - 3 November to 31 May
- Prohibited burning period - 18 December to 28 February
- That the Scott River/Peerabeelup regions be classified as a different climatic zone so that it can be varied by the Shire of Nannup.

It is unlikely that FES Commission will approve these date variations before the upcoming fire season, therefore the BFAC will be required to vary these dates in 2 week intervals until such time they are satisfied that the conditions are safe for the unrestricted burning season. If the FES Commission approves these varied dates, then it will no longer be required to vary the dates in 2 week intervals up until the 31 May.

STATUTORY ENVIRONMENT:

Bushfire Act 1954

Division 3 — Restricted burning times

Section 18. Restricted burning times may be declared by FES Commissioner

(1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.

(2) The FES Commissioner may, by notice published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.

(3) Where by declaration made under subsection (2) restricted burning times have been declared in respect of a zone of the State then, subject to such variations (if any) as are made under that subsection from time to time, those restricted burning times shall have effect in respect of that zone in each year until that declaration is revoked.

(4) A copy of the Gazette containing a declaration published under subsection (2) shall be received in all courts as evidence of the matters set out in the declaration.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Our Community Leadership – We listen to our community leaders.
5.1 Listen – to listen to our partner with our community leaders and all our diverse groups.

RECOMMENDATION:

That Council;

1. Write to the Fire and Emergency Services Commissioner requesting that the Shire of Nannup Restricted Burning dates be gazetted as follows;
   - Restricted burning period - 3 November to 31 May
   - Prohibited burning period - 18 December to 28 February

2. Request that the Fire and Emergency Services Commissioner approve that the Scott River/Peerabeelup regions be classified as a different climatic zone so that it can be varied by the Shire of Nannup.

20115 MELLEMA/STEVENSON

That Council;

1. Write to the Fire and Emergency Services Commissioner requesting that the Shire of Nannup Restricted Burning dates be gazetted as follows;
   - ***Restricted burning period - 3 November to 31 May***
   - ***Prohibited burning period - 18 December to 28 February***

2. Request that the Fire and Emergency Services Commissioner approve that the Scott River/Peerabeelup regions be classified as a different climatic zone so that it can be varied by the Shire of Nannup.

CARRIED (7/0)

AGENDA NUMBER:	12.4
SUBJECT:	Gazette restrictions on burning of garden refuse and lighting of open air camping or cooking fires during prohibited and restricted times
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FRC 1
AUTHOR:	Rosalyn Edwards – Ranger Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	09 September 2020
ATTACHMENTS:	12.4.1 – See attachment 12.3.1

BACKGROUND:

The *Bush Fire Act 1954* makes allowances to burn for the purposes of camping and cooking and burning garden refuse during restricted and prohibited burning times. A local government can make further restrictions by publishing in the Gazette and a newspaper circulating in its district.

COMMENT:

Allowances under the *Bush Fire Act 1954*:

24F. (1) A person must not burn garden refuse at a place (other than a rubbish tip) during the limited burning times for that place unless it is burned —

(a) in an incinerator in accordance with subsection (2); or

(b) on the ground in accordance with subsection (3).

Penalty: $3 000.

(3) Garden refuse burned on the ground is burned in accordance with this subsection if —

(a) there is no inflammable material (other than that being burned) within 5 m of the fire at any time while the fire is burning; and

(b) the fire is lit between 6 p.m. and 11 p.m. and is completely extinguished before midnight on the same day; and

(c) at least one person is present at the site of the fire at all times until it is completely extinguished; and

(d) when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.

25. ***No fire to be lit in open air unless certain precautions taken***

(1) Subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open air for a purpose not specifically mentioned or provided for in this Act, save and except in accordance with and subject to the following provisions —

(a) a fire for the purpose of camping or cooking shall not be lit within 3 m of a log or stump and unless and until a space of ground around the site of the fire having a radius of at least 3 m from the site as the centre, is cleared of all bush and other inflammable material, and when for any day, or any period of a day, the fire danger forecast by the Bureau of Meteorology in Perth in respect of the locality wherein it is desired to light or use a fire for such purpose is "catastrophic", "extreme", "severe" or "very high", such fire shall not be lit on that day or during that period unless and until the approval in writing of the local government for that locality has been obtained so to do;

Extract from the 2020-2021 Firebreak & Fuel Hazard Reduction Notice;

"BURNING OF GARDEN REFUSE AND RUBBISH:

Prior to the burning of garden refuse and rubbish a 3 metre radius perimeter around the waste heap is to be cleared of all flammable material. Burning of garden refuse and rubbish is not permitted during the Prohibited Burning Period and during the Restricted Burning Period requires a permit from a Fire Control Officer.

COOKING AND CAMP FIRES:

During the restricted burning period, a permit is required for any open air cooking and camping fire. Cooking and camp fires are not permitted throughout the Prohibited Burning Period. Gas barbeques can still be used during this period."

It is recommended that the below restrictions to burning for the purpose of camping or cooking and burning garden refuse during limited burning times, to be Publish in Government Gazette and a newspaper in the district.

BUSH FIRE ACT 1954

Lighting of Open Air Fires During Prohibited and Restricted Burning Times

Under section 24G (2) of the Bush Fires Act 1954, the Shire of Nannup hereby prohibits the burning of garden refuse within the Shire boundaries during the Shire of Nannup's Prohibited Burning Period and during the Restricted Burning Periods a permit is required from a Fire Control Officer.

Under section 25(1a) of the Bush Fires Act 1954, the Shire of Nannup hereby prohibits the lighting of open air cooking or camping fires within the Shire boundaries during the prohibited burning time. Use of wood and solid fuel BBQs are permitted

for the purpose of cooking during the Restricted Burning Period in accordance with the conditions below

a) The fire must not be lit if the Fire Danger Rating is Very High or above, or if a Total Fire Ban or a Harvest and Vehicle Movement Ban is declared
b) The fire is at a domestic dwelling, the BBQ is properly constructed so that it is raise off the ground and has sufficient wind breaks
c) All combustible material is to be cleared from within a 5 metre radius surrounding the fire
d) You must have a hose or running water that reaches the fire
e) The fire is lit between 6:00pm (18:00 hours) and 11:00pm (23:00 hours) and is completely extinguished before midnight on the same day; and
f) At least one person is always present at the site of the fire until it is completely extinguished by the application of water or earth
g) The solid fuel being burnt is no greater and 1.5 cubic meters

STATUTORY ENVIRONMENT:

Bushfire Act 1954 Section 24G*.*
Minister or local government may further restrict burning of garden refuse

(2) A local government may, by notice published in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F.

(4) In a notice under this section the Minister or a local government must specify —

(a) the person or class of persons to whom; and
(b) the area in which; and
(c) the period during which,
the notice applies.

(5) The Minister or a local government may vary or cancel a notice under subsection (1) or (2) by publishing a further notice under the relevant subsection.

Section.25(1a) *Notwithstanding anything contained in subsection (1) a local government may, by notice published in the Gazette and in a newspaper circulating in its district, prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the prohibited burning times as is specified in the notice.*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Cost of Government Gazettal.

STRATEGIC IMPLICATIONS:

Our Community Leadership – We listen to our community leaders.
5.1 Listen – to listen to our partner with our community leaders and all our diverse groups.

RECOMMENDATION:

That Council in accordance with the Bush Fires Act 1954 ("the Act") endorse that the Shire of Nannup;

1. Under section 24G (2) of the Act, hereby prohibits the burning of garden refuse within the Shire boundaries during the Shire of Nannup's Prohibited Burning Period and, during the Restricted Burning Periods, a permit is required from a Fire Control Officer.
2. Under section 25(1a) of the Act, hereby prohibits the lighting of open air cooking or camping fires within the Shire boundaries during the Prohibited Burning Period.
3. Under section 25(1a) of the Act, the use of wood and solid fuel BBQs are hereby permitted during the Restricted Burning Period in accordance with the conditions below:
   a) The fire must not be lit if the Fire Danger Rating is Very High or above, or if a Total Fire Ban or a Harvest and Vehicle Movement Ban is declared;
   b) The fire is at a domestic dwelling, the BBQ or campfire properly is constructed so that it is raise off the ground and has sufficient wind breaks;
   c) All combustible material is to be cleared from within a 5 metre radius surrounding the campfire;
   d) A functioning hose or running water must reach the campfire;
   e) The fire is lit between 6;00pm (18:00hrs) and 11;00pm (23:00hrs) and is completely extinguished before midnight on the same day;
   f) At least one person is always present at the site of the fire until it is completely extinguished by the application of water or earth; and
   g) The solid fuel being burnt is no greater and 1.5 cubic metres.

20116 STEVENSON/MELLEMA
Shire of Nannup;

1. Under section 24G (2) of the Act, hereby prohibits the burning of garden refuse within the Shire boundaries during the Shire of Nannup's Prohibited Burning Period and, during the Restricted Burning Periods, a permit is required from a Fire Control Officer.

2. Under section 25(1a) of the Act, hereby prohibits the lighting of open air cooking or camping fires within the Shire boundaries during the Prohibited Burning Period.

3. Under section 25(1a) of the Act, the use of wood and solid fuel BBQs are hereby permitted during the Restricted Burning Period in accordance with the conditions below:

a) The fire must not be lit if the Fire Danger Rating is Very High or above, or if a Total Fire Ban or a Harvest and Vehicle Movement Ban is declared;
b) The fire is at a domestic dwelling, the BBQ or campfire properly is constructed so that it is raise off the ground and has sufficient wind breaks;
c) All combustible material is to be cleared from within a 5 metre radius surrounding the campfire;
d) A functioning hose or running water must reach the campfire;
e) The fire is lit between 6;00pm (18:00hrs) and 11;00pm (23:00hrs) and is completely extinguished before midnight on the same day;
f) At least one person is always present at the site of the fire until it is completely extinguished by the application of water or earth; and
g) The solid fuel being burnt is no greater and 1.5 cubic metres.

CARRIED (7/0)

AGENDA NUMBER:	12.5
SUBJECT:	Appointment of Authorised Officers Fire Control Officers
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FRC 1 & WRK 28
AUTHOR:	Rosalyn Edwards – Ranger Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 September 2020
ATTACHMENT:	12.5.1 – See Attachment 12.3.1

BACKGROUND:

The purpose of the item is to appoint Fire Control Officers (FCO) under the *Bush Fire Act* 1954.

COMMENT:

Under the *Section 38 of the Bush Fire Act 1954* a Local government may appoint bush fire control officer(s).

A local government ranger is required to be authorised as a Fire Control Officer (FCO) in order to undertake fire inspections as part of ranger duties.

The appointed FCO's are *to be published at least once in a newspaper circulating the district* under *Section 38 (2A).*

To perform fire break and property inspections within the district powers of entry are given to FCO's under section 14. of the Bush Fire Act 1954.

To ensure compliance under Section 33 of the Bush Fire Act 1954 a FCO may have work carried out on the land to achieve compliance with the notice. These costs are recoverable from the landowner however it is essential that the Shire of Nannup Ranger/Relief Ranger is properly appointed as an FCO for it to be enforceable.

The appointments will also be published at least once in a newspaper circulating in its district.

STATUTORY ENVIRONMENT:

Bushfire Act 1954

Extracts taken from the Bush Fire Act 1954

Section. 14. Certain persons may enter land or building for purposes of Act

(1) A person employed in the Department who is authorised by the FES Commissioner so to do, a bush fire liaison officer and a bush fire control officer, designated or appointed in accordance with the provisions of this Act, and, subject to subsection (1A), a member of the Police Force, is empowered to enter any land or building at any time to —

(a) examine a fire which he has reason to believe has been lit, or maintained, or used in contravention of this Act;

(b) examine a fire which he believes is not under proper control;

(c) examine fire breaks on the land;

(d) examine anything which he considers to be a fire hazard existing on the land;

(e) investigate the cause and origin of a fire which has been burning on the land or building;

(f) inspect fire precaution measures taken on the land;

(g) investigate and examine the equipment of a bush fire brigade;

(h) do all things necessary for the purpose of giving effect to this Act.

(1A) Despite subsection (1), a member of the Police Force is not empowered under this section to enter any land or building for any purpose other than those specified in subsection (1)(a), (b) and (e).

(2) A bush fire liaison officer or a member of the Police Force exercising the power conferred by subsection (1)(e) may remove from the land or building, and keep possession of, anything which may tend to prove the origin of the fire.

Section 38. *Local government may appoint bush fire control officer*

(1) A local government may from time to time appoint such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act, and of those officers shall subject to section 38A(2) appoint 2 as the Chief Bush Fire Control Officer and the Deputy Chief Bush Fire Control Officer who shall be first and second in seniority of those officers, and subject thereto may determine the respective seniority of the other bush fire control officers appointed by it.

(2A) The local government shall cause notice of an appointment made under the provisions of subsection (1) to be published at least once in a newspaper circulating in its district.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Cost of publishing in local newspaper.

STRATEGIC IMPLICATIONS:

Our Community Leadership – We listen to our community leaders.
5.1 Listen – to listen to our partner with our community leaders and all our diverse groups.

RECOMMENDATION:

That Council;
1. Accept the following individuals are appointed as Fire Control Officers be endorsed by Council;
a) Carlotta VBFB – Peter Hastie (on proviso that he completes the DFES FCO training as soon as it becomes available.
b) Darradup VBFB – John Patman
c) North Nannup VBFB – Michael Vasey; and
d) Fire Break Inspector – Ranger Officer - Rosalyn Edwards

2. And that they are published in a newspaper circulating in the district.

20117 MELLEMA/STEVENSON

That Council;

1. ***Accept the following individuals are appointed as Fire Control Officers be endorsed by Council;***
   a) Carlotta VBFB – Peter Hastie (on proviso that he completes the DFES FCO training as soon as it becomes available.
   b) Darradup VBFB – John Patman
   c) North Nannup VBFB – Michael Vasey; and
   d) Fire Break Inspector – Ranger Officer - Rosalyn Edwards

2. ***And that they are published in a newspaper circulating in the district.***

CARRIED (7/0)

AGENDA NUMBER:	12.6
SUBJECT:	Nannup Country Women's Association Request for Donation
LOCATION/ADDRESS:	Brockman Street, Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 September 2020
ATTACHMENT:	12.6.1 - Nannup CWA letter

BACKGROUND:

Representative from the Nannup Country Women's Association (CWA) approached the Chief Executive Officer requesting a donation from the Shire of Nannup towards there Seniors over 75 Christmas lunch.

COMMENT:

The lunch is held on an annual basis and is a wonderful event for the senior citizens of Nannup.

The lunch would provide much needed social boost to the senior community members of Nannup, especially during the current year of COVID-19 isolation that has occurred.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

$250 donation.

STRATEGIC IMPLICATIONS:

Strategic Community Plan
Our Community
1.2 Our Aged – We respect and value our aged – provide an aged friendly environment.

RECOMMENDATION:

That Council endorse a donation of $250 to the Nannup Country Women's Association to go towards their 2020 Senior over 75 Christmas lunch.

20118 BROWN/BUCKLAND

That Council endorse a donation of $250 to the Nannup Country Women's Association to go towards their 2020 Senior over 75 Christmas lunch.

CARRIED (7/0)

AGENDA NUMBER:	12.7
SUBJECT:	Budget Monitoring – July 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Acting Manager of Corporate & Community Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	27 August 2020
ATTACHMENT:	12.7.1 – Financial Statements for the period ending 31 July 2020

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions**.** Council has adopted a variance threshold of 10% or $30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.7.1.

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

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

COMMENT:

Please refer to the attachment, Financial Statements for periods ending 31 July 2020.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The attached financial statements detail financial outcomes for 2020/21

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That the monthly Financial Statements for the period ending 31 July 2020 be received.

20119 MELLEMA/STEVENSON

That the monthly Financial Statements for the period ending 31 July 2020 be received.

CARRIED (7/0)

AGENDA NUMBER:	12.8
SUBJECT:	Monthly Accounts for Payment - August 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Acting Manager of Corporate and Community Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	9 September 2020
ATTACHMENT:	12.8.1 – Accounts for Payment – August 2020

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 August to 31 August 2020 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

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

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

Municipal Account		
Accounts paid by EFT	12794 - 12872	351,318.04
Accounts paid by cheque	20474-20477	220.78
Accounts paid by Direct Debit	DD10879.10 – 10898.14	48,587.45
Sub Total Municipal Account		$400,587.45
Trust Account		
Accounts paid by EFT	-	0.00
Sub Total Trust Account		$0.00
Total Payments		**$400,587.45**

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling $400,126.27 for 1 August 2020 to 31 August 2020 in the attached schedule(s) be endorsed.

20120 BROWN/FRASER

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling $400,126.27 for 1 August 2020 to 31 August 2020 in the attached schedule(s) be endorsed.

CARRIED (7/0)

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

13.1 OFFICERS
Nil.

13.2 ELECTED MEMBERS
Nil.

14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED
Nil.

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC
Nil.

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

Nil.

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

Nil.

17. CLOSURE OF MEETING:

The Shire President declared the meeting closed at 6.01 pm.