



Shire of
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Agenda

Council Meeting to be held Thursday 22 October 2020

Commencing at 5.30pm

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Agenda

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

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(previously approved)

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil.

7. DECLARATIONS OF INTEREST

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

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

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8.1 17 September 2020 Ordinary Council Meeting

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 17 September 2020 be confirmed as a true and correct record.

9. MINUTES OF COUNCIL COMMITTEES

Nil.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

12. REPORTS OF OFFICERS

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

13.1 OFFICERS

13.2 ELECTED MEMBERS

14. MEETING CLOSED TO THE PUBLIC

(Confidential Items)

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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14.1	Acceptance of the Tender for stage 1 Construction for Tank 7 & 8 Mountain Bike Park	46

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

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

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

17. CLOSURE OF MEETING

CORPORATE & COMMUNITY SERVICES

AGENDA NUMBER:	12.1
SUBJECT:	Budget Monitoring – August 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	12 October 2020
ATTACHMENT	12.1.1 – Financial Statements for the period ending 30 August 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 12.1.1.

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 30 August 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:

Monthly Financial Statements for the period ending 30 August 2020 be received.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.2
SUBJECT:	Monthly Accounts for Payment - September 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	12 October 2020
ATTACHMENT	12.2.1 – Accounts for Payment – September 2020

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 September to 30 September 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 financial report is required to comply with financial regulations. This breakdown is included within the attachments.

Municipal Account

Accounts paid by EFT	12873 - 12946	116,251.81
Accounts paid by cheque	20481-20482	463.21
Accounts paid by Direct Debit	DD10910.1-10928.14	45,688.35
<i>Sub Total Municipal Account</i>		<u>\$162,403.37</u>

Trust Account

Accounts paid by EFT	12911-12912	2,689.92
<i>Sub Total Trust Account</i>		<u>2,689.92</u>
Total Payments		<u><u>\$165,093.29</u></u>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13.

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$165,093.29 1 September 2020 to 30 September 2020 in the attached schedule(s) be endorsed.

VOTING REQUIREMENT:

Simple Majority.

AGENDA NUMBER:	12.3
SUBJECT:	Budget Monitoring – September 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	15 October 2020
ATTACHMENT:	12.3.1 – Financial Statements for the period ending September 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 12.3.1.

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 30 September 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:

Monthly Financial Statements for the period ending 30 September 2020 be received.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.4
SUBJECT:	Acceptance of Shire of Nannup Cultural Plan
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WLF 5
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	16 October 2020
ATTACHMENT:	12.4.1 - Shire of Nannup Cultural Plan

BACKGROUND:

The previous Cultural Plan 2010-2015 has been reviewed through a process of community consultation. This was advertised for public comment for a period of one month and letters inviting comment were sent to Nannup Arts Council, Nannup Music Club, Nannup CWA, Nannup Historical Society, Big N, Nannup Community Resource Centre and the Nannup Lions Club. Public comments closed on 26 July 2019.

The Nannup Shire Council reviewed the Plan in August 2019 and requested that a priority action plan be included in the plan. This has been workshopped with the Shire Councillors in September and October of 2019. The recommendations were included as an Appendix A as a Cultural Plan Implementation Strategy utilising the different objectives and timeframes for implementation.

Cultural planning supports local economic development and encourages municipalities to integrate cultural planning into their daily business; to emphasize local arts, cultural industries, heritage and libraries as we plan for the future of our communities. Culture adds to the wealth of a community in many ways, such as attracting tourists, creating jobs, revitalizing neighbourhoods and attracting new businesses.

COMMENT:

A high number of the key recommendations in the previous Cultural Plan were achieved by Council and community groups. This demonstrates the value of the plan and that it has remained active and current to the community needs.

While completing the Cultural Plan 2019, consultation has been undertaken with numerous groups, these include:

- Community organisations,
- Artists,
- Creative Corner (who are based in Margaret River),

- Engaging with residents within the shire, and
- A drop in day and invitation to complete a written survey.

The recommendations collated through this process now form part of an informing document to Council's Strategic Community Plan 2017 - 2027.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

\$2,000 annual operational budget to implement activities and leverage further funding.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2017 -2027

1.1 All of us/who we are:

We will retain pride in being a small but friendly town that is a welcoming place to live and is full of wonderful people.

RECOMMENDATIONS:

That Council endorse the draft Shire of Nannup Cultural Plan as attached at 12.4.1.

VOTING REQUIREMENTS:

Simple Majority.

CEO DEPARTMENT

AGENDA NUMBER:	12.5
SUBJECT:	Delegated Planning Decisions for September 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 October 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.5.1 – 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 September 2020 is presented in Attachment 12.5.1.

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 September 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 September 2020 compared to September 2019:

	September 2019	September 2020
Delegated Decisions	4 (\$21,000)	4 (\$14,000)
Council Decisions	1 (\$90,000)	0 (\$0)
Total	5 (\$111,000)	4 (\$14,000)

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

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 September 2020 as per Attachment 12.5.1.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.6
SUBJECT:	Proposed dedication of a portion of Asplin Road - submitted for endorsement to dedicate
LOCATION/ADDRESS:	Asplin Road, Nannup
NAME OF APPLICANT:	Ian Jenkins
FILE REFERENCE:	ROA58
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 October 2020
PREVIOUS MEETING REFERENCE:	23 July 2020
ATTACHMENT:	12.6.1 - Correspondence and Plan from applicant 12.6.2 - Submissions 12.6.3 - Recent correspondence from applicant 12.6.4 - Location map 12.6.5 - Cadastral map of locality

BACKGROUND:

The correspondence from the applicant (Attachment 12.6.1) summarises the proposed portion of road reserve to be dedicated to the Shire in order to provide legal and practical vehicular access to Lot 79 on DP 254887 to ensure it is no longer 'land-locked'.

The Council at its meeting on 23 July 2020 passed the following motion at minute number 20076:

'That Council:

- 1. Agrees to support the road reserve dedication of a portion of Asplin Road, Nannup as set out in Attachment 12.1.1.**
- 2. Notes the Shire administration will invite submissions on the dedication of Asplin Road for a period of six (6) weeks.**
- 3. Will reconsider the road reserve dedication request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Lands dedicates the road reserve.**
- 4. Requests the applicant to initiate discussions with the owner of Lots 41 and 42 Folly Road to determine if there is an opportunity for an additional easement to benefit lots to the north and east of Lot 79.'**

In accordance with the Council resolution, the *Land Administration Act 1997* and the *Land Administration Regulations 1998*, the Shire administration consulted for a six-week period through the Shire administration:

- writing to and inviting comments from adjoining/nearby landowners;
- writing to and inviting comments from 4 relevant State Government and servicing authorities;
- placing a public notice in the Busselton-Dunsborough Times and the Nannup Telegraph;
- placing details on the Shire website; and
- having information available at the Shire office.

The Shire received 5 submissions on the proposed road reserve dedication which are set out in Attachment 12.6.2. All submissions were in support of the proposed road dedication.

The submission from Forest Products Commission (FPC) also requests that they be part of any discussions regarding a possible right of carriageway easement across Lot 79 and into adjoining Lots 41 and 42 Folly Road.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant has in turn provided additional comments (see Attachment 12.6.3).

In summary, the applicant seeks that the existing Unallocated Crown Land, previously a road reserve known as 'Asplin Road,' is formally created (dedicated) as a public road. This would result in the existing section of track located within the Unallocated Crown Land being incorporated into a road reserve vested and managed by the Shire.

The location of Asplin Road is shown in Attachment 12.6.4 which is approximately 800 metres east of the Nannup townsite. Attachment 12.6.5 outlines a cadastral map of the locality. This shows that Lot 79 is 'land locked' given there is no gazetted public road connecting the property to Brockman Highway.

COMMENT:

It is suggested that Council is now in a position to finalise its position on the road reserve dedication. It is recommended that Council agree to the road reserve dedication outlined in Attachment 12.6.1 given it will provide legal vehicular access to Lot 79 which is currently 'land locked' and no objections were received during the advertising period.

It is suggested that Council endorses the Plan in Attachment 12.6.1 and encourages the applicant to continue discussions with the landowner of Lots 41 and 42 Folly Road, and FPC with regards to the creation of an additional easement to benefit lots to the north and east of Lot 79. While these properties have existing easements which provide legal access to Dunnet Rd via Folly Road and Folly Formation, a new easement would keep options open for legal/vehicular access and emergency access for the area between Lot 501 Brockman Highway and any future urban or other development east of Dunnet Road.

Subject to the Council's decision, the Minister for Lands will determine whether to dedicate the road reserve. Should the Minister agree, the road reserve will be dedicated as Asplin Road and vested with the Shire.

STATUTORY ENVIRONMENT:

The *Land Administration Act* and *Land Administration Regulations* require the Shire to seek comment for at least 35 days. The Shire administration has met this requirement through writing to adjoining/nearby landowners, relevant servicing authorities and State Government agencies and inviting comments from the wider community through the public notices in local papers.

The Council now needs to formally resolve to finalise the dedication and indemnify the Department of Planning, Lands and Heritage against any costs that may arise (survey documentation, stamp duty etc.). These costs should be borne by the owner of Lot 79 who in-turn is required to indemnify the Shire for these costs.

POLICY IMPLICATIONS:

Local Planning Policy LPP013 Car Parking and Vehicular Access, LPP015 Dedication of Road Access and *LPP 020 Developer and Subdivider Contributions* are non-statutory documents which are designed to provide guidance to assist the Council in its decision making.

FINANCIAL IMPLICATIONS:

The applicant has not paid the application fee as set out in Council's fees and charges in line with Council's decision to waive non-statutory fees for the period 1st April 2020 until 30th June 2020. The applicant (owner of Lot 79) is required to meet all costs associated with the road dedication process including survey, land acquisition and State Government administration fees.

STRATEGIC IMPLICATIONS:

Subject to gaining necessary approvals the proposal addresses various land-locked lots in the district.

RECOMMENDATION:

That Council:

1. Endorse the Plan in Attachment 12.6.1.
2. Supports the road reserve dedication of a portion of Asplin Road to provide legal and practical vehicular access to Lot 79 as set out in Attachment 12.6.1
3. Requests the Minister for Lands to support the road reserve dedication of the former road reserve which is currently Unallocated Crown Land.
4. Requires the owner of Lot 79 to confirm in writing they will meet all costs associated with the road reserve dedication process and indemnify the Shire against any costs in the process.
5. Notes that subject to point 4 being appropriately addressed by the owner of Lot 79, to the satisfaction of the local government, the Shire of Nannup in-turn indemnifies the Department of Planning, Lands and Heritage against any costs in the processes, with these costs being borne by the owners of Lot 79.
6. Delegates authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage, other agencies and the applicant/landowner regarding the dedication of the road reserve including the signing and sealing of all documentation required.

VOTING REQUIREMENTS:

Absolute Majority.

AGENDA NUMBER:	12.7
SUBJECT:	Development Application for industry-extractive (gravel)
LOCATION/ADDRESS:	Lot 101 on Deposited Plan 65066 Mount Leewin Loop Road, Carlotta
NAME OF APPLICANT:	Worthy Contracting
FILE REFERENCE:	A1672
AUTHORS:	Jane Buckland - Development Services Officer & 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 <i>Local Government Act 1995</i>
PREVIOUS MEETING REFERENCE:	Nil
DATE OF REPORT:	2 October 2020
ATTACHMENTS:	12.7.1 - Information from applicant 12.7.2 - Location plan 12.7.3 - Submissions 12.7.4 - Applicant response to key submission issues 17.7.5 - Extract of Local Planning Strategy 12.7.6 - Extract of Planning and Development (Local Planning Schemes) Regulations 2015

BACKGROUND:

The applicant has lodged a Development Application for an extractive industry of gravel. Information submitted by the applicant is provided in Attachment 12.7.1 which includes management plans for dust, drainage and fire/emergency prepared by Abrus Consulting Pty Ltd. The applicant has operated an extractive industry from the subject property since 2003 with the previous development approval having expired in October 2018.

The new application seeks approval to extract gravel for an area of approximately 6.8 hectares with an estimated resource of 450,000m³. The average thickness of the gravel resource is estimated to be 1.3-1.5 metres and the maximum thickness is estimated to be 3 metres.

The location of the application site is shown in Attachment 12.7.2 which is approximately 14 kilometres south-east of Nannup.

The site is 55.2536 hectares in area, the extraction area is cleared, the site is in part designated as a bushfire prone area, and the property is zoned 'Agriculture Priority 2' in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. As set out in the LPS3 Zoning Table, 'Industry - Extractive' is an 'A' use in the Agriculture Priority 2 Zone. This means a Development Application can legally be applied for and the local government is able to determine the application following advertising.

The Shire administration invited public comment on the Development Application for a 3-week period by writing to 8 adjoining/nearby landowners and 2 other stakeholders, placing details on the Shire website and having details available at the Shire office. The Shire received 2 submissions on the Development Application which are outlined in Attachment 12.7.3. The main issues raised in the submissions relate to the impact of the proposed extractive industry on the general amenity of the area, compatibility with the surrounding land uses and road maintenance.

In accordance with standard practice and in order to address concerns and issues where possible, after reviewing the submissions and the application itself the Shire administration provided the applicant with a list of identified issues and areas that required further clarification for their review. Attachment 12.7.4 outlines the applicant's response to key submission issues.

Attachment 12.7.5 provides an extract of the *Shire of Nannup Local Planning Strategy* relating to minerals and basic raw materials. In summary, the Strategy supports the sustainable extraction of basic raw materials if relevant planning considerations are suitably met.

Attachment 12.7.6 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

It is recommended that Council approve the Development Application subject to conditions, including that the approval be time-limited to a period of five (5) years. This follows assessment against LPS3, the Local Planning Strategy, relevant State Government documents, considering the views of the submitters and information provided by the applicant. It is noted, for instance, that:

- no clearing of native vegetation is proposed;
- the extraction area is setback from watercourses;
- no blasting is proposed;
- suitable buffers, including noise and dust management bunds, are proposed to nearby sensitive uses; and
- gravel resources are important to the district and region.

It is suggested that if the operation is suitably managed and planning conditions are met, that general amenity, environmental considerations, site rehabilitation and impact

on the Shire road system can be appropriately addressed. While noting this, there are various issues associated with the industry-extractive use, its compatibility with surrounding land uses and its impact on the Shire's road network which should be considered by the Council in determining the Development Application. Some of these issues are outlined below and other issues are outlined in Attachment 12.7.3.

A) Impact on surrounding land uses

The gravel pit has operated from the site for many years without written complaint to the Shire. While noting this, there have been various changes in the locality in recent years including some properties are now used for rural lifestyle purposes.

As outlined in Attachment 12.7.3, various issues and concerns have been raised by two neighbours. Given the relatively small scale nature of the gravel pit and commitments from the proponent (outlined in Attachment 12.7.1 and Attachment 12.7.4), it is suggested the impact on surrounding uses including on sensitive uses will be manageable. As outlined above, the conditions of development approval will further assist to manage impacts as is limiting the approval to five years.

B) Traffic impacts and road maintenance

The applicant outlines the main haulage route is Mount Leewin Loop Road, Graphite Road and Vasse Highway. Two main types of truck will transport the gravel being 12 tonne and 24 tonne vehicles. The application outlines there will, on average, be 8 movements of each type of truck per day, 16 movements in total. It is not clear from the information provided if this is 8 or 16 trips going out as well as 8 or 16 return trips a day.

Mount Leewin Loop Road is an unsealed road and there is no traffic vehicle count data available for the road.

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

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

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

- requiring the applicant to appropriately maintain and grade Mount Leewin Loop Road, between the site's entry and Graphite Road during the approval period;

- requiring a road maintenance bond of \$5,000 for the repair and maintenance of Mount Leewin Loop Road damaged by vehicles associated with the gravel pit;
- installing and maintaining road signs along transport routes warning other road users of trucks entering and using the public road system; and
- minimising the potential for conflict between heavy haulage vehicles and small passenger vehicles.

It is suggested the above represents an equitable approach given the level of proposed development, the proposed number of truck movements along Mount Leewin Loop Road, and the associated impacts compared to existing traffic levels.

C) Length of development approval

The applicant estimates the project life will be 15 years. It is recommended that rather than grant development approval for the full 15 years that approval be issued for a period of 5 years which will provide an opportunity for the Council and the Shire administration to review the effectiveness of the operation and associated impacts. The applicant can reapply to seek to extend the industry-extractive use.

D) On-going management and safety

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

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS.

Various Local Planning Policies are relevant in assessing the Development Application including *Local Planning Policy No. 20 - Developer and Subdivider Contributions*. Local planning policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

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

industries, the separation distance is on a case by case basis where grinding, milling and sieving are proposed.

FINANCIAL IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Gravel is an important resource within the district and region.

RECOMMENDATION:

That Council approve the Development Application for an industry-extractive use (gravel pit) at Lot 101 on Deposited Plan 65066 Mount Leewin Loop Road, Carlotta, subject to the following conditions:

General

1. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. This development approval is valid until 22 October 2025 after which date the use shall cease unless prior to that date a new Development Application has been submitted to and approved by the local government for the continuation of the use for an extended period.

Pit operation

3. Operation of the pit shall be restricted to the hours of 6.30am-6.00pm Monday to Friday, 7.00am-2.00pm Saturday. No operation at all on Sundays or Public Holidays.
4. No excavation slope, with the exception of the working face, is to exceed a ratio of 1 measure vertical to 3 horizontal.
5. When not in use, the excavation face shall be graded to a maximum of 1 measure vertical to 3 horizontal.

Road upgrading and maintenance

6. The applicant to appropriately maintain Mount Leewin Loop Road, between the site's entry and Graphite Road during the course of the approval to the satisfaction of local government.
7. A road maintenance bond of \$5,000 is to be paid to local government prior to 22 November 2020 to ensure Mount Leewin Loop Road is maintained to a satisfactory standard. The bond amount is to be maintained at \$5,000 for extraordinary expenses incurred by the local government for the immediate repair and maintenance of Mount Leewin Loop Road damaged by vehicles associated with the development.

Safety of road users

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

Safety on site

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

Environmental management

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

Storm water management

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

Advice

- A) In relation to Condition 6, this will include a system of notification, inspection and post-development repair of Mount Leewin Loop Road to the satisfaction of the local government.
- B) The applicant should liaise with school bus operators to establish a traffic schedule to avoid potential conflict with school bus operations on Graphite Road.
- C) The applicant should ensure that its heavy vehicle operators drive responsibly on Mount Leewin Loop Road, and on other roads in the Shire of Nannup.
- D) No native vegetation shall be removed as part of this extraction operation, unless permitted by a clearing licence or permit issued by the Department of Water and Environmental Regulation.
- E) Weeds should be appropriately controlled in accordance with Department of Primary Industries and Regional Development guidelines. This in part should address the management of declared weeds under the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management Regulations 2013*.
- F) The extraction should not intercept the groundwater table and dewatering of the extraction area is not permitted without approval of the local government. Measures should be taken to prevent spillage or disposal of machinery fuel, oil or grease products into the ground.
- G) The applicant is encouraged to prepare a Works Safety Plan prior to the commencement of operations which is then appropriately implemented.
- H) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.
- I) The site is in part designated as a bushfire prone area. The applicant should take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.
- J) If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.8
SUBJECT:	Draft Local Planning Policy No. 23 – Plantations and Agroforestry: Submitted for final adoption
LOCATION/ADDRESS:	Applies throughout the district
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM9
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	6 October 2020
PREVIOUS MEETING REFERENCE:	26 March 2020
ATTACHMENT:	12.8.1 - Recommended final adoption version of Local Planning Policy No. 23 Plantations and Agroforestry 12.8.2 - Submissions 12.8.3 – Extract of key State Government policies and the Local Planning Strategy

BACKGROUND:

The purpose of this report is to inform Council of the public consultation outcomes and to seek Council’s final adoption of *Local Planning Policy No. 23 – Plantations and Agroforestry*. The recommended adopted version of the policy is set out in Attachment 12.8.1 and incorporates amendments from the version that was publicly advertised. Recommended amendments are outlined in “highlight” or “strikeout”.

The Shire does not have a Local Planning Policy on plantations or agroforestry (tree farming). Accordingly, there is a lack of clarity on Shire expectations to applicants and the community including on preferred/non-preferred locations, matters to be addressed and procedural considerations. The local government recognised the need to develop a plantations and agroforestry policy through the review of the Local Planning Strategy. The finalised policy is intended to provide increased guidance to the Council, the Shire administration, landowners and applicants and assist in more consistent decision making from the local government.

At its Ordinary Meeting of 26 March 2020, the Council passed the following motion at minute No 20034:

“That Council:

1. Support the public release of draft *Local Planning Policy 23 - Plantations and Agroforestry* outlined in Attachment 12.2.1 and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* with an increased advertising period of six weeks.

2. Reconsider draft *Local Planning Policy 23 - Plantations and Agroforestry* following the close of the public submission period and determine whether or not to adopt the policy with or without modification, or to not proceed with the policy.”

In accordance with the Council resolution, the Shire administration consulted extensively for a 6-week period by writing to and inviting comments from relevant stakeholders and government agencies, placing public notices in local papers on multiple occasions, placing details on the Shire website and having information available at the Shire office.

The Shire received ten submissions on the draft policy which are outlined in Attachment 12.8.2. Four submissions were received from the plantation industry, four from government agencies and two from landowners. Generally, there was support for the preparation of a plantations and agroforestry policy.

All submissions sought modifications to the draft policy, with a number of different views on various matters. In summary, the plantation industry sought to ‘soften’ the policy, while government agencies and one landowner sought to add requirements or to ‘harden’ the policy.

The matters raised in the submissions are considered in the “Comment” section.

The Council at its meeting on 17 September 2020 considered the draft *Shire of Nannup Local Planning Scheme No. 4*. The Council’s decision, in part, supported the potential for new plantations in rural areas (including on the Scott Coastal Plain) if relevant issues are suitably addressed. The Council did not however support plantations in Priority Agriculture areas in Cundinup, Carlotta and Biddelia. Besides building on *State Planning Policy 2.5 Rural Planning*, the Council expressed concerns with plantations on priority agricultural land closer to the Nannup townsite. This included concerns relating to population growth and the on-going sustainability of local services.

Attachment 12.8.3 sets out a component of the State and local planning framework relating to plantations (tree farming). The State planning framework, through *State Planning Policy 2.5 Rural Planning* in part states ‘tree farming should generally not occur on priority agricultural land’ (section 5.6(b)). Local Planning Policy 23 seeks to build on the planning framework based on matters relating to the local context.

COMMENT

1. Overview

It is suggested that Council is now in a position to finally adopt *Local Planning Policy No. 23 – Plantations and Agroforestry* as set out in Attachment 12.8.1. This is amended from the advertised draft version based on submissions received during the advertising period.

The recommended final adoption version of Local Planning Policy 23 supports agroforestry on appropriately zoned land, encourages plantations on land zoned ‘Agriculture’ outside of Landscape Values Area and more than 3 kilometres from the Nannup townsite and will positively consider plantations on land zoned ‘Agricultural

Priority' on the Scott Coastal Plain. As outlined above, the amended Policy does not support plantations in Priority Agriculture areas in Cundinup, Carlotta and Biddelia. The Policy sets out matters the local government requires to be suitably addressed in a Development Application.

The Policy sets out that no development approval is required, subject to conditions:

- for the planting of trees for land rehabilitation, shelter belts or for other land management/environmental purposes provided the total area of planting is less than 4 hectares for the lot;
- for agroforestry provided no more than 4 hectares of planting occurs on any lot or location;
- for further rotations on the 'development footprint' where the plantation was established prior to 16 September 1983 and where a plantation has operated since 16 September 1983 with gaps no greater than 6 months; and
- where development approval has been obtained for agroforestry or a plantation, no Development Application is required for a second rotation for hardwood plantations only.

Development approval is required in the following instances:

- prior to the commencement of agroforestry above 4 hectares;
- for any proposed planting of trees, for commercial or land management/environmental purposes, exceeding 4 hectares on any lot or location, regardless of whether the trees are proposed to be harvested or not;
- the establishment of a new planting for softwood and hardwood plantations;
- every additional rotation for harvested softwood plantations where only a single rotation has previously been approved; and
- for three or more rotations for hardwood plantations.

The draft Policy sets a 3 kilometre 'buffer' to the Nannup townsite. The 3km buffer was referenced by the approach around the Donnybrook and Balingup townsites. Development Applications for plantations within the buffer will be considered on their merits, however applicants will need to suitably address relevant planning considerations including fire risks and visual impact.

2. Matters raised through the submissions

The ten submissions are outlined in Attachment 12.8.2. The recommended final version incorporates some of the matters raised in the submissions.

The key issues/points raised in the submissions from the plantation industry are as follows:

- Non-preferred locations - Landowners should have the right to establish plantations on any rural land including whole farms on zoned Agricultural Priority and within the Landscape Values Special Control Area. There should be no requirement to gain Shire approval for 3 or more rotations.
- The draft policy is inconsistent with Council's Wood Encouragement Policy.

- Plantations provide recreation/tourism opportunities and environmental benefits, there are no visual impacts with plantations and fire risks can be effectively managed.
- Statements relating to natural resource management should be modified.
- Two submissions suggested there should be no requirement to prepare an Aerial Spray Application Management Plan with the Development Application, while one submission outlined aerial spraying must be considered in a Development Application with a commitment to address best practice by the proponent in the Plantation Management Plan.
- Plantations should be treated the same as other crops and rural uses.
- One submission noted the impacts of plantations within 3km of the Nannup townsite should be considered in a Development Application.

The submissions from government agencies and landowners overall support the draft policy with issues/points raised as follows:

- The submission from Department of Fire and Emergency Services suggests that the Shire strengthen provisions relating to bushfire risks, water and natural resource management.
- The submission from Department of Primary Industries and Regional Development (DPIRD) supports the approach of discouraging the use of whole farms for plantations on land zoned Agricultural Priority and new plantations on highly capable land zoned Agricultural Priority in order to promote food production on this land.
- DPIRD also request the rehabilitation of the land, e.g. stump removal and establishment of pasture, occurs at the end of the final rotation.
- Mr Waddington notes that a softwood rotation can be 30 – 35 years. Based on the draft policy not requiring a Development Application for a 2nd rotation, no Development Approval is required for up to 70 years which the Mr Waddington suggests is unacceptable for the general community.
- Mr Waddington also seeks that the policy be reworded to state that the Shire will not approve plantations within certain areas – including within 3 kilometres of the Nannup townsite, that it is imperative that a road condition assessment is undertaken pre-harvesting and that another assessment occurs post-harvesting/post-reinstatement by the plantation operator, and that the Shire should not approve aerial spraying within 3km of the Nannup townsite.
- Mr Jenkins supports plantations on Mount Folly given there are limited alternative viable uses.

It is suggested the final policy adopts a positive but balanced approach that is mindful of the landscape, amenity and heritage values of Nannup and the district, bushfire risks, economics and community expectations.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Nannup Local Planning Scheme No. 3.

POLICY IMPLICATIONS:

Local planning policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Development Applications.

The draft policy has been subject to community and stakeholder consultation.

FINANCIAL IMPLICATIONS:

The Shire met the cost of advertising the draft planning policy, including placing notices in local papers

STRATEGIC IMPLICATIONS:

The policy, if adopted, will assist the decision-making of the local government, inform applicants/landowners of Council requirements and raise community and stakeholder awareness.

The *Shire of Nannup Local Planning Strategy* supports the establishment of plantations and agroforestry on land zoned Rural, and consider on its merits plantations and agroforestry on land zoned Priority Agriculture. The Local Planning Strategy requires relevant planning considerations to be met including bushfire management, vermin management, identification of a suitable harvesting route and appropriate arrangements to ensure the local government roads are in a similar condition post harvesting as pre-harvesting.

RECOMMENDATION:

That Council:

1. Grant final adoption to *Local Planning Policy 23 – Plantations and Agroforestry* as set out in Attachment 12.8.1.
2. Thank submitters for making a submission.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.9
SUBJECT:	Review of Information Statement
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 7
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	23 September 2020
ATTACHMENTS:	12.9.1 – Draft Information Statement 2020/2021 12.9.2 – Information Statement Guidelines

BACKGROUND:

Part 5 of the *Freedom of Information Act 1992 (WA)* (**the FOI Act**) requires agencies as defined in the FOI Act to produce, publish and annually review an information statement. The Shire of Nannup's information statement is currently available on the council's [website](#) and was last reviewed at the Ordinary Meeting of Council on 22 November 2018.

COMMENT:

Amendments were required to the following sections:

- Councillor information has been updated to reflect the result of the 2019 election.
- Organisational structure has been updated.
- Addition of Tourism Committee as committee of council as endorsed at November 2019 Ordinary Meeting of Council.

STATUTORY ENVIRONMENT:

Freedom of Information Act 1992 (WA)

POLICY IMPLICATIONS:

ADM 11 – Records Management
ADM 13 – Electronic Mail
ADM 20 – Privacy & Confidentiality

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council endorses the amendments to the Freedom of Information Statement; specifically,

1. the updating of councillor information to reflect the 2019 election results, and;
2. the updated organisational structure
3. the addition of Tourism Committee as a committee of council.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.10
SUBJECT:	Register of Delegations - Amendment of LGA 26 - Donations
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 42
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 October 2020
PREVIOUS MEETING REFERENCE:	N/A
ATTACHMENT:	12.10.1 – LGA 26 – Donations

BACKGROUND:

In general, Council will delegate operational matters that occur regularly in the business of local government to the Chief Executive Officer in order to facilitate efficient management and allow Council to concentrate on matters of greater significance during meetings.

COMMENT:

The proposed amendments to LGA 26 – Donations are to increase the efficiency of local government. By increasing the threshold of payments the Chief Executive Officer will no longer have to present community requests for donations over \$100 to Council for endorsement. The old information is crossed out in attachment 12.10.1 and the new information is underlined. The threshold has been increased to \$500 and the maximum amount in any financial year to \$5000.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 5.42

POLICY IMPLICATIONS:

FNC 3 – Community Group Grants & Donations

FINANCIAL IMPLICATIONS:

Potential allocation of funds for donations.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council –

1. Amend delegation LGA 26 – Donations to increase the monetary value from \$100 to \$500 that the Chief Executive Officer is authorised to allocate as a donation, and;
2. increase the maximum annual amount that the Chief Executive Officer can authorise for donation in any financial year from \$1000 to \$5000.

VOTING REQUIREMENTS:

Absolute Majority.

AGENDA NUMBER:	12.11
SUBJECT:	Request to Waiving of Hire Fees – Nannup Auskick
LOCATION/ADDRESS:	Nannup Oval
NAME OF APPLICANT:	Nannup Auskick
FILE REFERENCE:	FNC 10
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	16 October 2020
ATTACHMENT:	12.11.1 – Letter from Nannup Auskick

BACKGROUND:

Nannup Auskick has requested a fee waiver for the use of the Nannup Sports Oval and associated Bond for the 2020 season.

COMMENT:

Correspondence has been received from Nannup Auskick which is operated by a small number of volunteers who offer primary school kids up to year 6 to come together for an hour each week to learn basic AFL skills. The Group uses the oval for approximately 1 hour per week during the season.

Ordinarily the season for this program runs for 20 weeks however due to COVID-19 has been reduced to 10 weeks and the Group wish to request the waiver of Shire of Nannup fees so that they can provide their participating families a reduced fee for the 2020 season.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

BLD 1 – Use and Hire of Community Facilities

FINANCIAL IMPLICATIONS:

Lost Fees and Charges	
Oval hire	\$70 / per day
Seasonal Charge	\$510 / season
Bond	Nil

STRATEGIC IMPLICATIONS:

Extract from the Strategic Community Plan 2017 – 2027

1.3 Our Youth – Our youth are important to us and we will focus our energy to give them reasons to stay in Nannup (or come back).

RECOMMENDATION:

That Council waive the seasonal oval hire fees the use and hire of the Nannup Town Oval for the 10 week 2020 Auskick season.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.12
SUBJECT:	Warren Blackwood Alliance of Councils – Sustainability Framework Sub-Regional Working Group.
LOCATION/ADDRESS:	Warren Blackwood Alliance of Councils
NAME OF APPLICANT:	Warren Blackwood Alliance of Councils
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	14 October 2020

BACKGROUND:

The Shire of Donnybrook-Balingup and the Shire of Bridgetown-Greenbushes have members of their community requesting that each respective Shire takes direct action against climate change. This was discussed at the Warren Blackwood Alliance of Council meeting and it was agreed that it would be a more effective approach to tackle climate change initiatives at a combined regional level rather than repeating at individual local levels.

COMMENT:

The Western Australian Local Government Association (WALGA) has already adopted on behalf of all Local Governments, a Declaration of a State of Emergency.

The resolution passed by the Warren Blackwood Alliance of Councils (WBAC) meeting passed on 2 June 2020 to form a Sub-Regional Working Group or similar for the purposes of establishing a Warren-Blackwood Climate Adaptation Plan.

10. Sub-Regional Working Group

A WBAC Sustainability Framework will enable four, possibly five, sub-regional councils to concentrate their shared environmental responsibilities embedded in each organisation's Strategic Community Plans in a partnership with each community to ensure our iconic landscapes, waterways and agricultural land are protected for current and future generations.

The Bridgetown-Greenbushes currently has a sustainability advisory committee which is trying to deal with global issues at a local level. They address environmental concerns and provide suggested approaches to council on how to address these concerns within their Shire.

WBAC to consider the establishment of a WBAC Sub-Regional Working Group, or similar governance model, with responsibility for establishing a Warren-Blackwood adaptation plan (embracing the Shires of Donnybrook Balingup, Nannup, Bridgetown-Greenbushes, Manjimup and possibly Boyup Brook) to mitigate the challenges of drought, water security and bush fire risk, while reducing dependence on non-renewable energy sources through, although not limited to, optimising waste to energy efficiencies.

Moved: Cr Brian Piesse
Seconded: Cr Leanne Wringe **Carried 8/0**

It is expected that each WBAC local government will take this back to their councils for a decision.

WALGA has now prepared a new Guide for Local Government. WALGA's new guide acknowledges that it is not necessary to make a declaration and that local governments can proceed to core actions "to address climate change causes and impacts at its own corporate level as well as the community level". These actions can include development of:

- a) An overall climate change policy;
- b) Corporate mitigation action plan;
- c) Corporate adaptation action plan;
- d) Coastal hazard reduction plans;
- e) Community mitigation action plan; and
- f) Community adaptation action plans.

The draft WALGA Guide also identified a series of special actions and projects that would normally be committed to through one of the core actions. These include:

- a) Development of an urban forest strategy;
- b) Development of a divestment strategy;
- c) Adjustment of corporate risk management strategy;
- d) Set an emissions reduction target; and
- e) Form a regional alliance with local governments in the area.

In terms of outcomes and the identification of targets, the guide advises caution in setting targets that are beyond the capabilities of the local government:

"The third part requires the Local Government to commit to specific actions, and the actions selected should consider carefully, taking into account available resources."

The guide also outlines that in some cases responses to climate change can result in Maladaptation, which WALGA defines as follows:

"In some cases, actions taken to adapt to climate change can lead to adverse side effects that are as serious as the climate change impacts that are being avoided.

These unintended side effects could;

- Lead to increased carbon emissions from another source;
- Shift the impacts of climate change to another location or a future time;
- Increases vulnerability to impacts of climate change;
- Disproportionately impact on communities already vulnerable to the impacts of climate change; and/or
- Lack flexibility to change or be modified as the impacts of climate change evolve and change."

A copy of the draft WALGA Local Government Guide –Climate Change Strategy and Program is shown attached.

At the WBAC meeting held on 2 June 2020, the following resolution was passed in respect to forming a Sub-Regional Working Group or similar for the purposes of establishing a Warren-Blackwood Climate Adaptation Plan:

"WBAC to consider the establishment of a WBAC Sub-Regional Working Group, or similar governance model, with responsibility for establishing a Warren-Blackwood

adaptation plan (embracing the Shires of Donnybrook Balingup, Nannup, Bridgetown-Greenbushes, Manjimup and possibly Boyup Brook) to mitigate the challenges of drought, water security and bush fire risk, while reducing dependence on non-renewable energy sources through, although not limited to, optimising waste to energy efficiencies.”

The intent of the resolution was to allow each participating Local Government to formally consider formation of a working group. Given that the Shire of Nannup and the other participating members of the WBAC are facing very similar issues in respect of Climate Change, there is merit in the formation of a working group, which will facilitate an exchange of knowledge and potential responses to the issue. An important issue such as climate adaptation will need a coordinated governance approach to be effective. The authors of this reports consider that the WBAC working group will offer greater benefit than a community based advisory group.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Financial Implications are unknown at this point in time and will be subject to future Council decisions and budgeting processes.

STRATEGIC IMPLICATIONS:

Extract from the Corporate Community Plan 2017 - 2027
4.3 Our sustainable future – to achieve a clean green future.

RECOMMENDATION:

That Council with regard to the content of the Western Australian Local Government Association’s Draft Local Government Climate Adaptation Guide endorse the following;

1. Not adopt the Climate Change Declaration;
2. Support the creation of a Climate Adaptation Working Group through the Warren Blackwood Alliance of Councils consisting of two elected members and an appropriate Shire Officer from each member local government, with the ability to invite guest speakers as agreed by the working group;

3. That a Terms of Reference of the working group be developed and address the preparation of the following draft policies and action plans:
 - a) An overall climate change policy;
 - b) Corporate mitigation action plan;
 - c) Corporate adaptation action plan;
 - d) Coastal hazard reduction plans;
 - e) Community mitigation action plan; and
 - f) Community adaptation action plans with Key Performance Indicators for consideration by each member local government;
4. Nominate the existing representatives of the Warren Blackwood Alliance of Councils Working Group, being Cr Dean and Cr Hansen along with the CEO to make decisions on behalf of Council in the development of the Terms of Reference; and
5. Nominate Cr _____ as proxy for those Councillors nominated in point 4 above.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.13
SUBJECT:	Implementation of the South West Regional Councils Designated Area Migration Agreement (DAMA) Memorandum of Understanding
LOCATION/ADDRESS:	South West Regional Councils – Shire of Nannup
NAME OF APPLICANT:	South West Regional Councils
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 October 2020
ATTACHMENT:	12.13.1 – Draft South West Regional Councils Designated Area Migration Agreement Memorandum of Understanding

BACKGROUND:

Council is requested to consider partnering with South West Regional Councils through a Memorandum of Understanding for the development of a Feasibility Study and Implementation Plan into the establishment of the ‘South West Regional Councils Designated Area Migration Agreement’ (DAMA).

Council has been asked to participate in the MOU are the: Shires of Augusta-Margaret River; Boy up Brook; Capel; Collie; Greenbushes-Bridgetown; Harvey; Manjimup; Donnybrook-Balingup; Nannup and the Cities of Bunbury and Busselton.

The Cities of Bunbury, Busselton, and the Shires of Augusta Margaret River, Dardanup and Manjimup have confirmed their involvement in the MOU. The remaining Shires have indicated they will take the proposal to Council before committing.

The Shire of Dardanup will coordinate the management and preparation of the Feasibility Study and Implementation Plan with the appointed Consultant. The purpose of the feasibility study is to identify regional workforce needs in each location and overall as a region. The study will focus on the south-west regions high growth industries including agribusiness, forestry, health and social services, tourism and hospitality, construction, and mining. Upon completion of the feasibility study the consultant will provide recommendations as part of the implementation plan to establish the DAMA and ongoing administrative support. Each Council is responsible for liaising and providing support to the appointed Consultant, by identifying relevant stakeholders, employers and labour agencies within each local government’s area.

COMMENT:

DAMA is an agreement negotiated between the Department of Home Affairs for the Commonwealth and a Regional, State or Territory authority, such as local government to cover a specific regional area. The key elements of the DAMA are:

- It allows regional employers to sponsor employees in different occupations than the skills available under Standard Business Sponsorship for the 482 TSS Visa or the 494 Regional Visa. This includes semi-skilled occupations or skills not classified under the Australian and New Zealand Standard Classification of Occupations.
- It will provide pathways to permanent residency for DAMA visa holders in the South West (including transitional arrangements for existing visa holders).
- It offers English language concessions for some occupations.
- It offers salary concessions that reflect South West market rates, ensuring that worker terms and conditions of employment are not eroded, and local businesses and consumers are not subjected to inflationary costs.
- It incorporates a range of risk and integrity actions to ensure that the rights of both employees and employers are protected.
- It is usually a five-year agreement.

Currently 7 DAMAs are in place in Australia, and Western Australia has 1 signed agreement being the 'Goldfields DAMA' managed by the City of Kalgoorlie-Boulder

STATUTORY ENVIRONMENT:

Not Applicable.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The MOU requests that each Council contribute \$5,000 each to create a combined budget of \$60,000 for the project.

STRATEGIC IMPLICATIONS:

Extract from the Shire of Nannup Strategic Community Plan 2017 – 2027

2.1 The Big Picture – we will have a sustainable, innovative and equitable economy.

2.2 Tourism / Recreation – Working together to attract people to our amazing Shire.

RECOMMENDATION:

That Council instructs the Chief Executive Officer to execute the South West Regional Councils Designated Area Migration Agreement Memorandum of Understanding as attached.

VOTING REQUIREMENTS:

Simple Majority.

AGENDA NUMBER:	12.14
SUBJECT:	Capes Region Organisation of Councils
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 October 2020

BACKGROUND:

The Chief Executive Officers and the Shire of Nannup and Augusta-Margaret River have been discussing opportunities for Nannup to partner with the Coastal local governments. As a result, the Capes Region Organisation of Councils (equivalent to the Warren Blackwood Alliance) has invited the Shire of Nannup to attend there next meeting with the potential to join the ROC going forward.

COMMENT:

The Shire of Nannup see opportunity to partner more closely with the coastal regions of Augusta Margaret River and Busselton as there may be many opportunities for business development and tourism partnerships.

The next meeting is on the 18th November 2020 and they have asked if the Shire President, 2 (two) councillors and the Chief Executive Officer will attend.

There is no obligation to attend or commit to future attendances.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Strategically it would be beneficial to create closer working relationships with the coastal local governments for potential future partnering opportunities.

RECOMMENDATION:

That Council agree to attend the Capes Region Organisation of Councils meeting on the 18th November 2020 and that the Shire President, Cr _____, Cr _____ and the Chief Executive Officer are in attendance.

VOTING REQUIREMENTS:

Simple Majority.

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

13.1 OFFICERS

13.2 ELECTED MEMBERS

14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

AGENDA NUMBER:	14.1
SUBJECT:	Acceptance of the Tender for stage 1 Construction for Tank 7 & 8 Mountain Bike Park
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TEN 1
AUTHOR:	Nicole Botica, Economic and Community Development Officer
REPORTING OFFICER:	David Taylor, Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	14 October 2020
ATTACHMENTS:	14.1.1 - Tender Evaluation Report 14.1.2 – Common Ground Tender Submission 14.1.3 – Dirt Art Tender Submission 14.1.4 – Three Chillies Trails Tender Submission

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

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

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

17. CLOSURE OF MEETING



Attachments

Item	Attach	Title
8.1		17 September 2020 Ordinary Council Meeting
12.1	1	Financial Statements for the period ending 30 August 2020
12.2	1	Accounts for Payment – September 2020
12.3	1	Financial Statements for the period ending September 2020
12.4	1	Shire of Nannup Cultural Plan
12.5	1	Register of Delegated Development Approvals
12.6	1	Correspondence and Plan from applicant
	2	Submissions
	3	Recent correspondence from applicant
	4	Location map
	5	Cadastral map of locality
12.7	1	Information from applicant
	2	Location plan
	3	Submissions
	4	Applicant response to key submission issues
	5	Extract of Local Planning Strategy
		Extract of Planning and Development (Local Planning Schemes) Regulations 2015
12.8	1	1 Recommended final adoption version of Local Planning Policy No. 23 Plantations and Agroforestry
	2	Submissions
	3	Extract of key State Government policies and the Local Planning Strategy

12.9	1	Draft Information Statement 2020/2021
	2	Information Statement Guidelines
12.10	1	LGA 26 – Donations
12.11	1	Letter from Nannup Auskick
12.13	1	Draft South West Regional Councils Designated Area Migration Agreement Memorandum of Understanding