



Agenda

Council Meeting to be held Thursday 25 November 2021

**Commencing at 5.30pm in Council Chambers, 15 Adam Street,
Nannup**

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING

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

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

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

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

Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:	3
2. ATTENDANCE/APOLOGIES:	3
2.1 ATTENDANCE	3
2.2 APOLOGIES	3
3. PUBLIC QUESTION TIME:	3
3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	3
3.2 PUBLIC QUESTION TIME	3
4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:	3
4.1 APPROVED LEAVE OF ABSENCE	3
4.2 APPLICATION FOR A LEAVE OF ABSENCE	3
5. CONFIRMATION OF MINUTES:	4
5.1 Special Council Meeting – 19 October 2021	4
5.2 Ordinary Council Meeting – 28 October 2021	4
5.3 Local Drug Action Group Committee – 11 November 2021	4
6. ANNOUNCEMENTS FROM PRESIDING MEMBER:	4
7. DISCLOSURE OF INTEREST:	4
8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:	5
9. PRESENTATIONS:	5
9.1 PETITIONS	5
9.2 PRESENTATIONS	5
9.3 DEPUTATIONS	5
10. REPORTS BY MEMBERS ATTENDING COMMITTEES:	5
11. REPORTS OF OFFICERS:	6
11.1 – Delegated Planning Decisions for October 2021	6
11.2 – Development Application for chalet	8
11.3 - Proposed Ordinary Council Meeting Dates for 2022	16
11.4 - Acceptance of Shire of Nannup Cultural Plan 2021 - 2026	18
11.5 - Mitigation Activity Grants Program 2021/22 Round 2	20
11.6 - Rates Exemption Policy	22
11.7 - Financial Activity Statement - October 2021	25
11.8 - Payment of Accounts – October 2021	27
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	29
13. URGENT BUSINESS:	29
14. MEETING MAY BE CLOSED:	29

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED:..... 29
15. CLOSURE OF MEETING: 29

SHIRE OF NANNUP
NOTICE OF ORDINARY COUNCIL MEETING

To be held at the Council Chambers
Thursday 25 November 2021 at 5.30 pm

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

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

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

2. ATTENDANCE/APOLOGIES:

2.1 ATTENDANCE

2.2 APOLOGIES

3. PUBLIC QUESTION TIME:

3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.2 PUBLIC QUESTION TIME

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

4.1 APPROVED LEAVE OF ABSENCE

Nil.

4.2 APPLICATION FOR A LEAVE OF ABSENCE

Nil.

5. CONFIRMATION OF MINUTES:

5.1 Special Council Meeting – 19 October 2021

EXECUTIVE RECOMMENDATION:

That the Minutes from the Special Meeting of Council held 19 October 2021 be confirmed as a true and accurate record (attachment 5.1).

5.2 Ordinary Council Meeting – 28 October 2021

EXECUTIVE RECOMMENDATION:

That the Minutes of the Ordinary Council Meeting held 28 October 2021 be confirmed as a true and correct record (attachment 5.2).

5.3 Local Drug Action Group Committee – 11 November 2021

EXECUTIVE RECOMMENDATION:

That the Minutes of the Local Drug Action Group committee meeting held 11 November 2021 be received (attachment 5.3).

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

7. DISCLOSURE OF INTEREST:

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

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

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

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

9. PRESENTATIONS:

9.1 PETITIONS

Nil.

9.2 PRESENTATIONS

Nil.

9.3 DEPUTATIONS

Nil.

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for October 2021
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 November 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.1.1 – 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 October 2021 is presented in Attachment 11.1.1.

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 October 2021, 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 October 2021 compared to October 2020:

	October 2020	October 2021
Delegated Decisions	4 (\$248,000)	5 (\$583,700)
Council Decisions	1 (\$500,000)	1 (\$1,050,000)
Total	5 (\$748,000)	6 (\$1,633,700)

100% of all approvals issued in the month of October 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.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for October 2021 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2 – Development Application for chalet
LOCATION/ADDRESS:	Lot 4030 (No. 5644) on DP137861 Brockman Highway, Darradup
NAME OF APPLICANT:	Royal Enfield Pty Ltd
FILE REFERENCE:	A543
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 November 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 - Location map 11.2.2 - Original information from applicant 11.2.3 - Submissions 11.2.4 - Response from applicant 11.2.5 - Planning framework: extracts from key documents 11.2.6 - Email from DBCA confirming access arrangements

BACKGROUND:

Royal Enfield Pty Ltd has lodged a Development Application for the development of a chalet at Lot 4030 (No. 5644) Brockman Highway, Darradup. The proposal is to convert an existing wheelhouse structure to a chalet.

The site, as shown in Attachment 11.2.1, is approximately 19 kilometres south west of Nannup and is 63.1 hectares in area and contains a dwelling, sheds and marron ponds. The site is bordered by State Forest to the north, east, south, and Brockman Highway to the west. The property currently operates as True Blue Marron and has been operating in this capacity for approximately 20 years.

The property has direct legal access to Brockman Highway however practical vehicle access is via an Western Power maintenance track/forestry track through State Forest.

Attachment 11.2.2 outlines the original details provided by the applicant, which were the plans subject to public consultation. This includes a Bushfire Management Plan (BMP) and Bushfire Emergency Evacuation Plan (BEEP) prepared by Fireguard Western Australia. The original plans proposed a change of use of the single dwelling to a holiday house, and a separate chalet.

Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to 8 nearby landowners, Department of Fire and Emergency Services (DFES), Department of Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER), Main Roads WA (MRWA), Western Power and Nannup Chamber of Commerce and Industry (NCCI), placing details on the Shire website and having details available at the Shire office.

The Shire received 7 submissions on the Development Application as outlined in Attachment 11.2.3. In summary:

- Three submissions from neighbours and the NCCI raise no issues with the proposal.
- The submission from MRWA does not support the location of the proposed emergency access driveway/crossover to Brockman Highway but otherwise raise no other issues.
- The submission from DWER identifies that the proposal has the potential for impact on the environment and water resource management and highlights areas requiring further approvals.
- The submission from DBCA raises no issues with the proposed chalet however does not support the change of use from a single dwelling to a holiday house due to the proposed clearance and ongoing maintenance of portions of the adjoining State Forest to reduce bushfire risk.
- The submission from DFES does not support the proposal due to non-compliance with the requirements of *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.

Revised plans

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. In response to the issues raised, the applicant has modified the proposal as shown in Attachment 11.2.4. In summary, the modified proposal is to continue with the chalet only and to remove the proposed holiday home from the application, retaining it as the owner's dwelling instead.

The revised plans replace the original plans. The revised plans, set out in Attachment 11.2.4 are the plans being assessed in this report by the Shire administration and the Council.

Planning framework

The property is zoned "Agriculture" in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. Other key planning documents related to the proposal include the draft *Local Planning Scheme No.4 (LPS4)*, *Local Planning Policy LPP12 Tourist Accommodation in Rural Areas*, and *Local Planning Policy LPP13 Car Parking and Vehicular Access*.

'Chalet Development' is an 'A' use in the Agriculture Zone as set out in the LPS3 Zoning Table meaning the Council has the legal power under LPS3 to approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions. While "chalet development" is not listed as a use in the Zoning Table of draft LPS4, "holiday accommodation" is an "A" use in the Rural Zone.

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

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

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

The *Shire of Nannup Strategic Community Plan 2017 – 2027* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

Attachment 11.2.5 sets out the relevant planning framework which are extracts from LPS3, Draft LPS4, the Local Planning Strategy, LPP12 and LPP13.

COMMENT:

A) Overview

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS3, strategies and policies.

It is recommended that Council conditionally approve the Development Application (based on the revised plans outlined in Attachment 11.2.4) given:

- it is overall consistent with the planning framework;
- it supports diversifying and growing the local economy, supporting job creation and supports tourism;
- the wheelhouse is unique and provides a point of difference in local accommodation;
- it is a modest increase in development and traffic;
- limited clearing of native vegetation is proposed;

- there are expected to be manageable environmental impacts given the land is substantially cleared around the development site and wastewater disposal is required to comply with Shire and Department of Health requirements;
- there are no objections from other Shire officers/units;
- the application generally addresses the *Guidelines for Planning in Bushfire Prone Areas*;
- the landowner will be living on the property which will assist in effective management, including assisting with evacuation; and
- development conditions can assist to control the use and management of the development.

B) Key issues

While noting the above, the key issues with the application are outlined below.

Bushfire & Emergency Management

Tourist development is a vulnerable land use and there are significant risks to visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area. While noting this, subject to implementation and on-going review of the BMP and BEEP, it appears that associated risks can be managed. The landowner will be living on the property which will assist in effective management, including assisting with evacuation of visitors if required.

It is recommended that the BMP and BEEP are updated by Fireguard Western Australia prior to the development commencing to address the changes to the proposal and the comments made by DFES.

Vehicle access and safety

Brockman Highway is a major road under the control of MRWA. The current crossover to the property is unsealed and is not used by the property owner. Primary access to the property is through State Forest to the south of the property, along a Western Power maintenance track. The property owner has an agreement with DBCA to use this track for access purposes as outlines in Attachment 11.2.6.

The main issue raised by MRWA relates to vehicle sight distances for traffic entering and exiting the property at the proposed emergency access way and their suggestion is that the secondary access be removed from the proposal altogether.

In response to the MRWA submission, it is recommended that the BMP and BEEP are updated by Fireguard Western Australia to remove the secondary emergency access way prior to the development commencing.

The Shire administration would generally include a condition requiring the applicant to drain and seal the crossover to the property to a length of 10 metres to provide a safer vehicle entry and exit point. However, in this instance as the crossover is located between Brockman Highway and State Forest and the proposed revised development will not substantially

increase traffic volumes and impacts in the immediate area, this condition has not been included in the recommendation.

Servicing

The development is not connected to a reticulated sewerage system and therefore the proposed effluent disposal system will need to be located and designed to minimise environmental impacts, particularly in relation to the adjacent marron ponds.

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

On-going Management

The responsibility for appropriate on-going management rests with the operator/manager to ensure that visitors are responsible and do not create inappropriate impacts, including noise and trespass, to nearby properties. The chalet is well separated from off-site sensitive uses however various development conditions are recommended to minimise land use impacts and encourage appropriate neighbourly relations. This includes the requirement to prepare and gain approval for an appropriate Management Plan.

C) Conclusion

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

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, LPS3 and draft LPS4.

Subject to the Council's decision, the applicant separately needs to obtain a Building Approval Certificate, On-site Wastewater Approval, and meet additional requirements.

POLICY IMPLICATIONS:

Local Planning Policies are relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

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

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

The proposed chalet development is consistent with aims of the Local Planning Strategy and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw additional visitors to the Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2017-2027*.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council approve the Development Application for a chalet on Lot 4030 on Deposited Plan 137861 (No. 5644) Brockman Highway, Darradup, subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.
2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. No person, other than the landowner/caretaker or their families, is permitted to stay on the property for a period of more than 3 months in any 12 month period.
4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
5. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to commencement of the development.
6. A smoke alarm must be installed in the chalet on or near the ceiling:

- (i) in every bedroom; and
 - (ii) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.
7. A Bushfire Management Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
 8. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.
 9. The applicant is to submit and gain local government approval for a Management Plan, prior to commencement of the development, which addresses the responsibility for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.
 10. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.
 11. The chalet is to be constructed in accordance with BAL-12.5 standards, as set out in the Bushfire Management Plan, pursuant to *Australian Standard AS3959 Construction of Buildings in Bush-Fire Prone Areas*.

Advice

- A) The proponent is advised that this Development Approval is not a Building Approval Certificate. A Building Approval Certificate must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 4, the Shire may require water samples to be taken and independently analysed. Should the Shire be required to arrange the testing, it will be at the cost of the landowner/operator.
- C) In relation to Conditions 7 and 8, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- D) In relation to Condition 9, the Management Plan will address matters including:
 - address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;

- outline the approach to maximise the safety and security of guest and visitors including to the adjacent marron ponds;
 - seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks;
 - not lighting any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
 - adhering to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, flame-based décor or open fires are to be used during the restricted fire season; and
 - acknowledge that the development is located adjacent to Department of Biodiversity, Conservations and Attractions land and ongoing forest management activities should be expected and tolerated.
- E) In relation to Condition 10, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- F) The proponent is advised that should further intensification of the development be proposed for overnight accommodation and/or visitors during the day, there will be a need to suitably address legal and practical vehicle access to Brockman Highway which is supported by Main Roads WA and as relevant by Department of Biodiversity, Conservation and Attractions. Should this access be identified and approved, the Shire is likely to require the crossover to be suitably sealed and drained.
- G) The proponent is advised that the approved development must comply with all relevant provisions of the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- H) The applicant is advised that the approved development must comply with other statutory requirements including the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Nannup Health Local Laws*.
- I) The applicant is advised that the approved development must comply with all relevant provisions of the *National Construction Code* (Building Code of Australia) including for access for people with disabilities.
- J) The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.
- K) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal.

AGENDA NUMBER & SUBJECT:	11.3 - Proposed Ordinary Council Meeting Dates for 2022
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 18
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	12 November 2021
ATTACHMENTS:	Nil

BACKGROUND:

Section 12 of the *Local Government (Administration) Regulations 1996* requires that the dates, times and place where the ordinary council meetings are to be held must be published on the website by the Chief Executive Officer; before the beginning of the year in which the meetings are to be held.

Committee meetings that are required under the *Local Government Act 1995* to be open to members of the public are also required to have the meeting details published on the website.

COMMENT:

The proposed dates for the Ordinary Council meetings of the Shire of Nannup for 2022 are:

- Thursday 20 January
- Thursday 24 February
- Thursday 24 March
- Thursday 28 April
- Thursday 26 May
- Thursday 23 June
- Thursday 28 July
- Thursday 25 August
- Thursday 22 September
- Thursday 27 October
- Thursday 24 November
- Thursday 22 December

STATUTORY ENVIRONMENT:

12. Publication of meeting details (Act s. 5.25(1)(g))

(1) In this regulation —

meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.

(2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —

(a) ordinary council meetings;

(b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.

(3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.

POLICY IMPLICATIONS:

ADM 10 – Councillor Fees & Reimbursements

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017 – 2027 – Our Council Leadership – Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That in accordance with Section 12 of the *Local Government (Administration) Regulations 1996*, the following schedule of meeting time and dates for the 2022 calendar year be endorsed by Council resolution, and then advertised as per the requirements of Section 12 of the *Local Government (Administration) Regulations 1996*.

Monthly ordinary council meetings to commence at 5.30 pm on the following dates:

- Thursday 20 January
- Thursday 24 February
- Thursday 24 March
- Thursday 28 April
- Thursday 26 May
- Thursday 23 June
- Thursday 28 July
- Thursday 25 August
- Thursday 22 September
- Thursday 27 October
- Thursday 24 November
- Thursday 22 December

AGENDA NUMBER & SUBJECT:	11.4 - Acceptance of Shire of Nannup Cultural Plan 2021 - 2026
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WLF 5
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	20 November 2021
ATTACHMENT:	11.4.1 - Shire of Nannup Cultural Plan

BACKGROUND:

The previous Cultural Plan 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 Inc., Nannup Music Club, Nannup CWA, Nannup Historical Society, Nannup Chamber of Commerce and Industry, 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 to identify priority areas and informed the Cultural Plan Implementation Strategy.

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, consultation has been undertaken with numerous groups, these include:

- Community organisations,
- Artists,
- Creative Corner (who are based in Margaret River),
- Southern Forests Arts Network
- 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 2021- 2026.

The requested amendments have been made since the item was laid on the table at the October 2021 Ordinary Council Meeting.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

\$20,000 annual operational budget to implement activities and leverage further funding.

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2021 -2026

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.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

- Endorse the Shire of Nannup Cultural Plan 2021 -2026 and the implementation strategy as detailed in attachment 11.4.1.
- Council acknowledge that the success of the implementation strategy is reliant on adequate budget allocations and successful external funding applications being made throughout the implementation period.

AGENDA NUMBER & SUBJECT:	11.5 - Mitigation Activity Grants Program 2021/22 Round 2
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 6
AUTHOR:	Leigh Fletcher – Community Emergency Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	18 November 2021
ATTACHMENTS:	11.5.1 – Mitigation Activity Fund (MAF) Grants Program 2021-22 Round 2 – Shire of Nannup Grant Agreement

BACKGROUND:

The Shire of Nannup and the Department of Fire and Emergency Services engage annually to establish the Mitigation Activity Fund (MAF) Grants Program. The purpose of the program is to reduce the risk of bushfire and mitigate and control fuel levels on Shire Reserves.

The program, in conjunction with Bushfire Risk Management (BRM), allows for future planning and identification of hazardous and bushfire risk areas to ensure that these risks are systematically assessed, prioritised and mitigated.

The Shire responsibility through the provisions of the *Local Government Act 1995* to manage Crown land under the Shire's control (vesting order) presents significant risk to the community. By utilising the designated funds allocated through the Mitigation Activity Fund will significantly reduce this risk.

COMMENT:

The Shire of Nannup was successful in its application for the Mitigation Activity Fund Grants Program 2021/22 Round 2, receiving funds for 14 mitigation activities as detailed in the attachment 11.5.1, for a total sum of \$202,450.00 (exclusive of GST). A report on Mitigation Activities is required by the Department of Fire and Emergency Services in May 2022 to track progress of treatments and fund allocations. A Bushfire Risk Management Officer endorsed by Council, in conjunction with an authorised Officer of the Shire will facilitate the management of these treatments according to treatment, associated Acts and Agency requirements.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Local Government Regulations 1995

Bushfires Act 1954

Bushfires regulations 1954

POLICY IMPLICATIONS:

LPP 21 – Bush Fire Management

BFC 2 - Roadside Burning

RM 1 – Risk Management

FINANCIAL IMPLICATIONS:

Nil – the projects contained within the program are all external funds and do not require any municipal funding.

STRATEGIC IMPLICATIONS:

Nannup Strategic Community Plan 2017 -2027

Our Natural Environment – We are surrounded by amazing nature, from our magnificent forests and bush land to our pristine coastlines.

General Community Preparedness relating to the bushfire risk management and safety.

- Mitigation is an essential ongoing operation within the Shire to maintain moderate and manageable fuel levels creating a safer community.
- Conducted correctly mitigation encourages bush regeneration for native species.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council endorse the Chief Executive Officer to sign and execute the Mitigation Activity Fund (MAF) Grant Agreement included as attachment 11.5.1.

AGENDA NUMBER & SUBJECT:	11.6 - Rates Exemption Policy
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	RAT 9
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	8 November 2021
ATTACHMENTS:	11.6.1 – Proposed Rates Exemption Policy

BACKGROUND:

Section 6.26 of the *Local Government Act 1995* provides that all land within a district is rateable land and provides a number of exemptions.

The Shire of Nannup has recently received applications requesting exemption from the payment of rates. At present, the Shire does not have a policy in place to address these applications.

Land is considered not rateable land pursuant to section 6.26(2) of the *Local Government Act 1995* (referred to as a rate exemption). The proposed Rates Exemption Policy (Attachment 11.6.1) sets out a process for ratepayers to apply for a rate exemption, including information and documentation requirements, and the Shire's obligations for assessment of the application.

COMMENT:

Adopting this policy is the first step in providing Council a strong framework around rating exemptions. The Shire will develop an appropriate procedure and form to implement this policy and to comply with our obligations under the *Local Government Act 1995*.

A claimant is required to evidence their right to an exemption under Section 6.26 of the *Local Government Act 1995*, by providing information upon which the Shire of Nannup can make an object assessment as to their eligibility.

STATUTORY ENVIRONMENT:***Local Government Act 1995 Section 6.26(2)***

(2) The following land is not rateable land —

(a) land which is the property of the Crown and —

(i) is being used or held for a public purpose; or

(ii) is unoccupied, except —

(I) where any person is, under paragraph (e) of the definition of owner in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the Mining Act 1978 in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or

(II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of owner in section 1.4 occupies or makes use of the land; and

(b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and

(c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and

(d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and

(e) land used exclusively by a religious body as a school for the religious instruction of children; and

(f) land used exclusively as a non-government school within the meaning of the School Education Act 1999; and

(g) land used exclusively for charitable purposes; and

(h) land vested in trustees for agricultural or horticultural show purposes; and

(i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the Financial Management Act 2006) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

(j) land which is exempt from rates under any other written law; and

(k) land which is declared by the Minister to be exempt from rates.

POLICY IMPLICATIONS:

Adoption of the draft policy will create a new policy for Council for inclusion in the policy manual.

FINANCIAL IMPLICATIONS:

The implementation of this policy does not require a specific budget allocation. Implementation will involve additional administrative processes that can be met with existing resources of the Shire.

The Shire has a number of properties with a rate exemption. These properties eligibility for rate exemption will be reviewed each financial year. When an exemption is applied there will be a reduction in rates receivable.

STRATEGIC IMPLICATIONS:**Our Economy - Sustainability is the key to Nannup's future**

We will have a sustainable, innovative and equitable economy Working together to attract people to our amazing Shire.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Council adopts the Rates Exemption Policy as per Attachment 11.6.1.

AGENDA NUMBER & SUBJECT:	11.7 - Financial Activity Statement - October 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Corporate Services Co-ordinator
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	19 November 2021
ATTACHMENT:	11.7.1 – Financial Activity Statement for the month of October 2021

BACKGROUND:

In accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, the following reports are contained in the Financial Activity Statement Report:

- Statement of Comprehensive Income by Nature and Type
- Statement of Comprehensive Income by Program
- Rate Setting Statement
- Material variance report
- Detailed Statement of Comprehensive Income by Program
- Capital Expenditure
- Plant Replacement Program
- Statement of Reserves
- Borrowings
- Trust Funds

COMMENT:

The Financial Activity Statement for the month of October 2021 is attached as Attachment 11.7.1.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the month of October 2021, attached as Attachment 11.7.1.

AGENDA NUMBER & SUBJECT:	11.8 - Payment of Accounts – October 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	17 November 2021
ATTACHMENT:	11.8.1 – Payment of Accounts – October 2021

BACKGROUND:

To advise Council of payments made from the municipal fund or trust fund for the period 1 October to 31 October 2021.

COMMENT:

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

The Shire has two corporate credit cards. A breakdown of this expenditure is included within the attachment.

Municipal Account

Accounts paid by EFT	14057 to 14196	\$373,378.63
Accounts paid by cheque	20521 to 20525	\$11,663.34
Accounts paid by Direct Debit	11346.1 to 11381.15	\$61,545.79
<i>Sub Total Municipal Account</i>		<u>\$446,587.76</u>

Trust Account

Accounts paid by EFT	14161 & 14162	\$2,480.60
<i>Sub Total Trust Account</i>		<u>\$2,480.60</u>
Total Payments		<u>\$449,068.36</u>

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

As indicated in Payment of Accounts.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority

OFFICE RECOMMENDATION:

That Council endorse the payment of accounts totalling \$449,068.36 for the period 1 October to 31 October 2021, as in the attached schedule(s).

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

13. URGENT BUSINESS:

14. MEETING MAY BE CLOSED:

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED:

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC:

15. CLOSURE OF MEETING:

Attachments

Item #	Attach	Title
5.1		19 October 2021 Special Council Meeting Minutes
5.2		28 October 2021 Ordinary Council Meeting Minutes
5.3		LDAG Committee Minutes 11 November 2021
11.1	1	Register of Delegated Development Approvals
11.2	1	Location map
	2	Original information from applicant
	3	Submissions
	4	Response from applicant
	5	Planning framework: extracts from key documents
	6	Email from DBCA confirming access arrangements
11.4	1	Shire of Nannup Cultural Plan 2021-2026
11.5	1	Mitigation Activity Fund Grant Agreement
11.6	1	Proposed Rates Exemption Policy
11.7	1	Financial Activity Statement - October 2021
11.8	1	Payment of Accounts – October 2021