

# Minutes

**Council Meeting held Thursday 16 December 2021**

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## MINUTES – ORDINARY COUNCIL MEETING 16 DECEMBER 2021

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

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The Shire President declared the meeting open at 5.31pm and welcomed the public gallery.

The Shire President acknowledged 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

| <i><b>Councillors</b></i>               | <i><b>Staff</b></i>                                                          |
|-----------------------------------------|------------------------------------------------------------------------------|
| Cr Tony Dean (Shire President)          | Kellie Jenkins – Manager Corporate Services & Deputy Chief Executive Officer |
| Cr Vicki Hansen(Deputy Shire President) | Jonathan Jones – Manager Infrastructure                                      |
| Cr Cheryle Brown                        | Jane Buckland – Development Services Coordinator                             |
| Cr Chris Buckland                       | Sarah Dean – Governance Officer (Minute Taker)                               |
| Cr Patricia Fraser                      |                                                                              |
| Cr Ian Gibb                             |                                                                              |
| Cr Charles Gilbert                      |                                                                              |

| <i><b>Public Gallery</b></i>                       |
|----------------------------------------------------|
| Peter Grubb, Wayne Leece, Isabel Green, Jim Green. |

#### 2.2 APOLOGIES

Nil.

### 3. PUBLIC QUESTION TIME:

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#### 3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

#### 3.2 PUBLIC QUESTION TIME

Nil.

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

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##### 4.1 APPROVED LEAVE OF ABSENCE

Nil.

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

Nil.

#### 5. CONFIRMATION OF MINUTES:

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Cr Brown moved that the Minutes be confirmed as a true and correct record after the following corrections have been made:

1. Cr Fraser's name spelt correctly on page 35
2. Time of Cr Brown leaving and entering room at item 11.6 and the number of votes corrected to be 6/0, as Cr Brown did not vote due to declaring a Financial Interest.

##### **COUNCIL RESOLUTION 21156**

|                        |                            |
|------------------------|----------------------------|
| <b>MOVED: CR BROWN</b> | <b>SECONDED: CR FRASER</b> |
|------------------------|----------------------------|

##### **5.1 Ordinary Council Meeting – 25 November 2021**

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

That the Minutes from the Ordinary Meeting of Council held 25 November 2021 be confirmed as a true and correct record (attachment 5.1).

**CARRIED (7/0)**

##### **5.2 Special Council Meeting – 2 December 2021**

##### **COUNCIL RESOLUTION 21157**

|                           |                           |
|---------------------------|---------------------------|
| <b>MOVED: CR BUCKLAND</b> | <b>SECONDED: CR BROWN</b> |
|---------------------------|---------------------------|

**That the Minutes of the Special Council Meeting held 2 December 2021 be confirmed as a true and correct record (attachment 5.2).**

**CARRIED (7/0)**

**5.3 and 5.4 were moved via en bloc resolution:**

**COUNCIL RESOLUTION 21158**

|                         |                              |
|-------------------------|------------------------------|
| <b>MOVED: CR FRASER</b> | <b>SECONDED: CR BUCKLAND</b> |
|-------------------------|------------------------------|

**5.3 Bush Fire Advisory Committee – 22 November 2021**

***That the Minutes of the Bush Fire Advisory committee meeting held 22 November 2021 be received (attachment 5.3).***

**5.4 Local Emergency Management Committee – 17 November 2021**

***That the Minutes of the Local Emergency Management Committee meeting held 17 November 2021 be received (attachment 5.4).***

**CARRIED (7/0)**

**6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

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Nil.

**7. DISCLOSURE OF INTEREST:**

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

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

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

***Cr Hansen declared in impartiality interest in agenda item 11.1 – Delegated Planning Decisions as she the Secretary of the Nannup RSL and the applicant for the development application.***

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

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Nil.

## 9. PRESENTATIONS:

---

### 9.1 PETITIONS

Nil.

### 9.2 PRESENTATIONS

Nil.

### 9.3 DEPUTATIONS

Nil.

## 10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

---

| Councillor                              | Date         | Meeting                                                                      |
|-----------------------------------------|--------------|------------------------------------------------------------------------------|
| Buckland, Hansen,<br>Fraser & Gibb      | 2/12 & 16/12 | Australia Day Advisory Committee                                             |
| Dean, Buckland,<br>Hansen, Brown, Gibb. | 6/12         | Warren Blackwood Alliance of Councils –<br>Local Government Reforms Workshop |
| Dean, Hansen                            | 7/12         | Warren Blackwood Alliance of Councils                                        |
| Dean                                    | 1/12         | Western Australian Local Government<br>Association                           |
| Gibb                                    | 1/12         | Nannup Chamber Commerce & Industry                                           |



## 11. REPORTS OF OFFICERS:

|                             |                                                       |
|-----------------------------|-------------------------------------------------------|
| AGENDA NUMBER & SUBJECT:    | 11.1 – Delegated Planning Decisions for November 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:             | 1 December 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 November 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 November 2021, five (5) 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 November 2021 compared to November 2020:

|                            | November 2020        | November 2021        |
|----------------------------|----------------------|----------------------|
| <b>Delegated Decisions</b> | 5 (\$219,513)        | 5 (\$124,520)        |
| <b>Council Decisions</b>   | 0                    | 1 (\$50,000)         |
| <b>Total</b>               | <b>5 (\$219,513)</b> | <b>6 (\$174,520)</b> |

100% of all approvals issued in the month of November 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 November 2021 as per Attachment 11.1.1.

***COUNCIL RESOLUTION 21159******MOVED: CR HANSEN******SECONDED: CR BUCKLAND***

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

***CARRIED (7/0)***

|                          |                                                              |
|--------------------------|--------------------------------------------------------------|
| AGENDA NUMBER & SUBJECT: | 11.2 – National Australia Day Council Limited                |
| LOCATION/ADDRESS:        | N/A                                                          |
| NAME OF APPLICANT:       | Nicole Botica                                                |
| FILE REFERENCE:          | FNC 6                                                        |
| AUTHOR:                  | Nicole Botica – Economic & Community Development Coordinator |
| REPORTING OFFICER:       | David Taylor – Chief Executive Officer                       |
| DISCLOSURE OF INTEREST:  | Nil                                                          |
| DATE OF REPORT:          | 7 December 2021                                              |
| ATTACHMENTS:             | 11.2.1 - Grant Agreement<br>11.2.2 - Grant Approval letter   |

**BACKGROUND:**

As in 2021, the National Australia Day Council (NADC) aims to encourage Australia Day celebrations to occur in a COVID safe environment. Local Governments have been encouraged to participate in the grant program to ensure Australia Day 2022 events proceed. With the assistance of the Australian Government, grants of up to \$20,000 (GST exclusive) have been made available through the COVID Safe Australia Day Program (Program).

**COMMENT:**

This year the Economic and Community Development Department applied for \$20,000 (ex GST) to support the Australia Day event for 2022. This was successful and on 6 December the Community Development Officer, Annie Crutchlow received notification of the applications success.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY AND CONSULTATION IMPLICATIONS:**

Delegations Register – LGA 23 – Grants and Subsidies

Policy Manual – FNC6 – Acceptance of Grant Funding

**FINANCIAL IMPLICATIONS:**

The 2021/2022 Budget allocation from Council's for Australia Day activities is \$4,000. This allocation has been leveraged to achieve the additional \$20,000 grant.

**STRATEGIC IMPLICATIONS:**

Our Community

We are a unique town that role models sustainability, friendliness, take the time to celebrate our heritage and festivals

- We retail our pride in being small, friendly town that is a nice place to live and full of wonderful people
- We role model self-sufficiency and sustainability as a community
- We respect and value our aged
- Our youth are important and we will focus our energy to give them reasons to stay in Nannup (or come back)

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council;

1. Accept the Grant Agreement with the Australia Day Community Grants Program; and
2. Authorise the Chief Executive Officer to execute the National Australia Day Council (NADC) grant agreement.

**COUNCIL RESOLUTION 21160**

|                        |                            |
|------------------------|----------------------------|
| <b>MOVED: CR BROWN</b> | <b>SECONDED: CR HANSEN</b> |
|------------------------|----------------------------|

***That Council;***

- 1. Accept the Grant Agreement with the Australia Day Community Grants Program; and***
- 2. Authorise the Chief Executive Officer to execute the National Australia Day Council (NADC) grant agreement.***

***CARRIED (7/0)***

|                             |                                                                                                                                                                                                                                                         |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AGENDA NUMBER & SUBJECT:    | 11.3 - Draft Local Planning Policy No. 6 – Nannup Townsite Character Area Design Guidelines: Submitted for consent to publicly advertise                                                                                                                |
| LOCATION/ADDRESS:           | Applies in the Nannup Townsite Character Area (Special Control Area 2)                                                                                                                                                                                  |
| NAME OF APPLICANT:          | Not applicable                                                                                                                                                                                                                                          |
| FILE REFERENCE:             | ADM9                                                                                                                                                                                                                                                    |
| AUTHOR:                     | Jane Buckland – Development Services Officer                                                                                                                                                                                                            |
| REPORTING OFFICER:          | David Taylor – Chief Executive Officer                                                                                                                                                                                                                  |
| DISCLOSURE OF INTEREST:     | Nil                                                                                                                                                                                                                                                     |
| DATE OF REPORT:             | 7 December 2021                                                                                                                                                                                                                                         |
| PREVIOUS MEETING REFERENCE: | Nil                                                                                                                                                                                                                                                     |
| ATTACHMENT:                 | 11.3.1 - Draft Local Planning Policy No. 6 (LPP6)<br>Nannup Townsite Character Area Design Guidelines<br><br>11.3.2 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i><br><br>11.3.3 - Attachment 3 of Draft LPP6 |

#### **BACKGROUND:**

The purpose of this report is to seek Council support to publicly advertise a draft planning policy relating to design guidelines for new dwellings and other forms of habitable structures, extensions to dwellings, front fencing, retaining walls, incidental structures and non-residential development within the Nannup Townsite Character Area. This relates to Special Control Area 2 (SCA2) in the draft *Shire of Nannup Local Planning Scheme No.4* (LPS4).

The Shire has a Local Planning Policy that guides development in the Nannup Main Street Heritage Precinct, focusing on the town centre, but does not have a Local Planning Policy that provides design guidance elsewhere in the Nannup townsite (particularly the more established part of the townsite). Accordingly, there is a lack of clarity on Shire expectations to applicants and the community including on preferred/non-preferred construction styles, matters to be addressed and procedural considerations.

The local government recognised the need to create a Nannup Townsite Character Area in LPS4 and associated policy through the review of the *Shire of Nannup Local Planning Strategy*. The draft policy, outlined in Attachment 11.3.1, is intended to generate community discussion and, in time, provide clearer guidelines for assessing Development Applications. A 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.

Various single dwellings, extensions, outbuildings and retaining walls will not require development approval where they comply with the deemed-to-comply requirements of the Residential Design Codes (R Codes), in accordance with clause 61(4)(c) of the Deemed

Provisions from the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), and where consistent with the finalised Policy and LPS4.

Attachment 11.3.2 provides an extract from the Regulations. The Deemed Provisions in the Regulations replace relevant clauses in Local Planning Schemes. The Regulations require draft local planning policies to be publicly advertised for at least 21 days.

**COMMENT:**

In summary, the draft local planning policy (Attachment 11.3.1) supports attractive and sustainable dwellings and development that strengthens local identity other than a few design options or where the design introduces ‘metropolitan’ building materials that are not sympathetic with the local context and character. The Policy does not prescribe particular architectural styles, nor inhibit creative design, but provides a framework to retain or enhance the character of the Nannup townsite. The draft Policy sets out matters the local government require suitably addressed in a Development Application.

As outlined in Attachment 11.3.1, the objectives of the draft policy are to:

1. Retain Nannup’s unique character and sense of place;
2. Provide a high level of amenity;
3. Create an attractive and desirable environment;
4. Require development to address the garden village and non-metropolitan context, topography, landscape values and the area’s character and heritage;
5. Avoid replication of standard metropolitan building designs and promote sustainability principles in dwelling design; and
6. Provide the basis for consistent assessment and decision making.

The draft policy sets out that no development approval is required for the erection or extension of a single house, outbuilding or retaining wall that complies with the deemed-to-comply requirements of the R Codes, in accordance with clause 61(4)(c) of the Deemed Provisions from the Regulations, and where consistent with this Policy and where consistent with LPS4.

Attachment 11.3.3 summarises when a Development Application is required and not required.

The draft policy is considered appropriate to be publicly advertised for community and stakeholder comment. If Council agrees, submissions will be invited using various methods. Public advertising of the draft policy will assist to draw out comment from the community and stakeholders. It is proposed to consult widely for a six-week period by the Shire administration writing to and inviting comments from a wide range of stakeholders and government agencies, placing public notices and details in local papers on multiple occasions, placing details on the Shire of Nannup website, on the Shire’s Facebook page and information being available at the Shire office.

The goal of the draft policy is to encourage community and stakeholder debate and to seek the receipt of submissions. Following the close of the consultation period, the Council and the Shire administration will consider the submissions and determine whether the draft policy is suitable for final adoption or whether it should be modified. Alternatively, the Council may determine to not proceed with the policy.

The objective is to finalise a policy which will assist in increasing certainty for everyone with an interest in this issue and which will provide increased guidance to Council and the Shire administration in assessing Development Applications. While this policy will become operational upon the gazettal of LPS4, it is intended that it will also be used to guide development within the Nannup townsite under *Local Planning Scheme No.3*.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, draft Shire of Nannup Local Planning Scheme No.4 and Shire of Nannup Local Planning Scheme No. 3.* The Regulations require local planning policies to be advertised for at least 21 days.

#### **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.

Subject to Council's resolution, the Shire administration will publicly advertise the draft policy to the community and stakeholders.

#### **FINANCIAL IMPLICATIONS:**

There are costs to the Shire in advertising the draft policy.

#### **STRATEGIC IMPLICATIONS:**

The *Shire of Nannup Local Planning Strategy* aims to preserve and respect Nannup's evolved built character within the Nannup townsite, and to ensure that the Nannup townsite grows in a manner that is sustainable, and retains and enhances its built form and natural character attributes.

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.



**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council:

1. Support the public release of draft *Local Planning Policy 6 – Nannup Townsite Character Area Design Guidelines* outlined in Attachment 11.3.1 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 6 – Nannup Townsite Character Area Design Guidelines* 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.

**COUNCIL RESOLUTION 21161**

|                                  |                                   |
|----------------------------------|-----------------------------------|
| <b><i>MOVED: CR BUCKLAND</i></b> | <b><i>SECONDED: CR HANSEN</i></b> |
|----------------------------------|-----------------------------------|

***That Council:***

1. ***Support the public release of draft Local Planning Policy 6 – Nannup Townsite Character Area Design Guidelines outlined in Attachment 11.3.1 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 6 – Nannup Townsite Character Area Design Guidelines 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.***

***CARRIED (7/0)***

|                             |                                                                                                                                                               |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| AGENDA NUMBER & SUBJECT:    | 11.4 – Shire of Nannup Local Planning Scheme No. 4 – consideration of submissions                                                                             |
| LOCATION/ADDRESS:           | All of district                                                                                                                                               |
| NAME OF APPLICANT:          | Shire of Nannup                                                                                                                                               |
| FILE REFERENCE:             | TPL 2                                                                                                                                                         |
| AUTHOR:                     | Steve Thompson – Consultant Planner                                                                                                                           |
| REPORTING OFFICER:          | David Taylor – Chief Executive Officer                                                                                                                        |
| DISCLOSURE OF INTEREST:     | Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995 |
| DATE OF REPORT:             | 1 December 2021                                                                                                                                               |
| PREVIOUS MEETING REFERENCE: | 27 July 2017 and 17 September 2020                                                                                                                            |
| ATTACHMENTS:                | 11.4.1 - Draft Local Planning Scheme No.4 Text and Maps<br>11.4.2 - Submissions<br>11.4.3 - Schedule of Submissions                                           |

## BACKGROUND:

### A) Introduction

The purpose of this report is for Council to consider the submissions made on the draft *Shire of Nannup Local Planning Scheme No. 4* (LPS4) and to consider supporting LPS4, for the purpose of seeking final approval from the Minister for Planning.

Finalisation (gazettal) of LPS4 will result in the current *Shire of Nannup Local Planning Scheme No.3* (LPS3) being revoked. LPS3 was gazetted on 14 December 2007 and has been amended on various occasions.

The draft LPS4 text comprises a set of written provisions and standards that regulate the use and development of land zoned and reserved under the scheme. The LPS4 maps allocate all land within the district into either a Zone or Reserve.

The publicly advertised draft LPS4 text and maps are outlined in Attachment 11.4.1.

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

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

### *B) Planning framework to support LPS4*

Draft LPS4 builds on various changes to the State, regional and local planning framework over the past decade along with changes to community expectations, increased efforts to diversify and grow the local economy and the approach to bushfire management. At a local level, LPS4 references relevant components of documents such as the Local Planning Strategy and bushfire assessments.

### *C) Key changes between LPS3 and draft LPS4*

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

- introducing new zones e.g. Rural Smallholdings, Tourism and Environmental Conservation;
- deleting the Special Residential, Mixed Use, Cluster Farming and Coastal Landscape zones;
- renaming various zones;
- combining the Agriculture Priority 1 – Scott Coastal Plain zone and the Agriculture Priority 2 zone into the Priority Agriculture zone;
- adding Special Control Areas including around the wastewater treatment plant and a special design/character area for portions of the Nannup townsite;
- modifying residential densities as broadly set by the Local Planning Strategy. Various properties in the Nannup townsite, outside of the floodplain, will see their R Codes (density) increase. For some properties, additional development or subdivision can only be achieved through connecting to the reticulated sewerage system;
- reducing duplication of provisions (such as for individual Special Rural zones);
- new or modified land use names and definitions;
- reviewing the permissibility of uses in different zones. The zoning table has been amended to balance supporting job creation/economic development with conserving amenity;
- introducing provisions relating to natural resource management including creating a significant tree register,
- seeking to address various anomalies in LPS3; and
- not supporting plantations in Priority Agriculture areas in Cundinup, Carlotta and Biddelia, based on Councillor feedback.

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

#### D) Council resolution

The Council at its meeting on 17 September 2020 resolved the following:

‘That Council resolves to:

1. Pursuant to sub-regulation 21(1)(a) of the *Planning and Development (Local Planning Scheme) Regulations 2015*, proceed to advertise the draft *Shire of Nannup Local Planning Scheme No. 4* as outlined in Attachments 12.1.1 and 12.1.2 without modification.
2. Forward the draft *Shire of Nannup Local Planning Scheme No. 4* to the Environmental Protection Authority with a request that environmental clearance be given.
3. Following the Environmental Protection Authority giving environmental clearance, request that the Western Australian Planning Commission grant consent to advertise the draft *Shire of Nannup Local Planning Scheme No. 4*.
4. When advertising approval is granted, advertise the draft *Shire of Nannup Local Planning Scheme No. 4* in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015*.
5. Delegate authority to the Shire’s Chief Executive Officer to progress matters with the Environmental Protection Authority, Department of Planning, Lands and Heritage, Western Australian Planning Commission and other stakeholders and make modifications to the *Shire of Nannup Local Planning Scheme No. 4* if directed to by the Western Australian Planning Commission.’

#### E) Assessment by the EPA and WAPC

Following the Council’s decision, the Environmental Protection Authority (EPA) confirmed LPS4 would not be assessed (gave its ‘environmental clearance’) on 30 November 2020.

The Shire administration in October 2020 requested the Western Australian Planning Commission (WAPC) confirm that draft LPS4 is suitable for advertising (to the community and stakeholders). Following liaising with the Department of Planning, Lands and Heritage (DPLH), the WAPC on 27 May 2021 gave its support for advertising.

### *F) Public advertising of draft LPS4*

The Regulations require local planning schemes to be publicly advertised for at least 90 days. The Shire met the requirements of the Regulations by advertising draft LPS3 for a 3 month period (24 June 2021 – 1 October 2021) through:

- Writing to and inviting comments to over 60 stakeholders including adjoining local governments, relevant State Government departments, servicing agencies, community groups and others;
- Placing public notices and details in the Busselton Dunsborough Times and the Nannup Telegraph on multiple occasions;
- Placing details on the Shire's website and on the Shire's Facebook page; and
- Information being available at the Shire office, local library and WAPC office in Perth.

### *G) Submissions*

The Shire received 10 submissions on draft LPS4 which are set out in Attachment 11.4.2 and summarised in the Schedule of Submissions in Attachment 11.4.3. In summary:

- 8 submissions were from State Government or servicing agencies and are overall supportive;
- No objections and no 'fatal flaws' were identified;
- There is support for promoting economic development and diversifying the economy;
- Various matters raised are outside the scope of LPS3 and are more appropriately addressed by other planning or non-planning processes or other agencies. This includes the impact of tree farms on water resources, potential negative health impacts of increased density development including noise, odour and light, and ensuring that future development does not create additional mosquito breeding habitat;
- DWER seek to add some details to LPS4 which are better suited to other planning tools such as local planning policies;
- The only agency raising concerns is the Department of Fire and Emergency Services (DFES) which provided a template response. Part of DFES' issue is that DFES did not provide a response on the draft Local Planning Strategy review. The matters raised by DFES were addressed through the Local Planning Strategy review which included deleting considerable rural living areas where the bushfire guidelines could not be addressed. The Local Planning Strategy was supported by the Nannup Townsite Bushfire Hazard Level Assessment;
- There were two requested changes to the scheme maps. These were for Lot 501 on Deposited Plan 302117 Brockman Highway, Nannup and for Lot 500 on Deposited Plan 415399 Bishop Street, Nannup. Lot 501 is 28.8098 hectares in area while Lot 500 is 4.3840 hectares in area. In relation to Lot 501, the applicant has undertaken technical investigations and is well progressed in preparing a Local Structure Plan for tourist and related development.

**COMMENT:**

The Council is requested to assess the submissions made on draft LPS4 and to consider supporting draft LPS4, with or without modification, for the purpose of seeking final approval from the Minister for Planning.

Based on a review of the submissions (Attachment 11.4.2), it is suggested that only modest modifications are required to the publicly advertised version of draft LPS4. The modifications address issues raised in the submissions. The officer recommendation seeks Council to endorse the local government comments and the local government recommendation in the schedule of submissions in Attachment 11.4.3.

Should Council agree with the officer recommendation, the DPLH/WAPC will analyse the submissions and the schedule of submissions and will prepare a report to the Minister for Planning. Following obtaining final approval from the Minister, LPS4 will be gazetted (through a notice in the Government Gazette) and become operational, and LPS3 will be revoked.

When LPS4 is operational, there will be a need to review Council's adopted local planning policies to ensure they are consistent with LPS4.

**CONSULTATION:**

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

Draft LPS4 has been subject to community and stakeholder consultation for 3 months in accordance with the Regulations.

**STATUTORY ENVIRONMENT:**

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

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

**POLICY IMPLICATIONS:**

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

**FINANCIAL IMPLICATIONS:**

The key final cost for the Shire on LPS4 occurs following gaining Minister for Planning final approval through placing the LPS4 text in the Government Gazette.

**ECONOMIC IMPLICATIONS:**

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

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

**STRATEGIC IMPLICATIONS:**

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

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council resolves to:

1. Note the submissions outlined in Attachment 11.4.2.
2. Support the draft *Shire of Nannup Local Planning Scheme No. 4* with modifications to address issues raised in the submissions pursuant to sub-regulation 25(3)(b) of the *Planning and Development (Local Planning Scheme) Regulations 2015*.

3. Endorse the local government comments and the local government recommendation in the schedule of submissions in Attachment 11.4.3.
4. Submit draft Local Planning Scheme No. 4 (as modified) to the Western Australian Planning Commission requesting that final approval of the Scheme by the Minister for Planning be sought.
5. Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage and to make modifications to Local Planning Scheme No. 4 if directed to by the Western Australian Planning Commission and/or by the Minister for Planning.
6. Advise submitters of the above and thank them for their input into the process.

**COUNCIL RESOLUTION 21162**

|                           |                           |
|---------------------------|---------------------------|
| <b>MOVED: CR BUCKLAND</b> | <b>SECONDED: CR BROWN</b> |
|---------------------------|---------------------------|

***That Council resolves to:***

1. ***Note the submissions outlined in Attachment 11.4.2.***
2. ***Support the draft Shire of Nannup Local Planning Scheme No. 4 with modifications to address issues raised in the submissions pursuant to sub-regulation 25(3)(b) of the Planning and Development (Local Planning Scheme) Regulations 2015.***
3. ***Endorse the local government comments and the local government recommendation in the schedule of submissions in Attachment 11.4.3.***
4. ***Submit draft Local Planning Scheme No. 4 (as modified) to the Western Australian Planning Commission requesting that final approval of the Scheme by the Minister for Planning be sought.***
5. ***Delegate authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage and to make modifications to Local Planning Scheme No. 4 if directed to by the Western Australian Planning Commission and/or by the Minister for Planning.***
6. ***Advise submitters of the above and thank them for their input into the process.***

**CARRIED (7/0)**



|                          |                                                             |
|--------------------------|-------------------------------------------------------------|
| AGENDA NUMBER & SUBJECT: | 11.5 – Proposed Submission on Local Government Reforms      |
| LOCATION/ADDRESS:        | Shire of Nannup                                             |
| NAME OF APPLICANT:       | Department of Local Government, Sport & Cultural Industries |
| FILE REFERENCE:          | ADM 31                                                      |
| AUTHOR:                  | David Taylor – Chief Executive Officer                      |
| REPORTING OFFICER:       | David Taylor – Chief Executive Officer                      |
| DISCLOSURE OF INTEREST:  | Nil                                                         |
| DATE OF REPORT:          | 12 December 2021                                            |
| ATTACHMENTS:             | 11.5.1 - DLGSC Proposed Submission Local Government Reform  |

### **BACKGROUND:**

Since June 2017, the Department of Local Government, Sport and Cultural Industries (DLGSC) has been developing and undertaking legislative reform to the Local Government Act 1995 (the Act).

Previously, Phases One and Two of legislative reform to the Act were completed between 2017 to 2020, focused on modernising local government and providing better service delivery and engagement with communities, and have been largely embedded through legislative amendments over this time period.

Now, the Minister for Local Government has proposed further major changes to the Act, which they state will provide for a stronger, more consistent framework for local government across Western Australia. The proposed reforms have been developed based on findings identified as part of the Local Government Phase One and Phase Two reviews and recommendations of various reports, including the Local Government Review Panel Final Report.

The reform proposals have been designed to deliver significant benefits for residents and ratepayers, small business, industry, elected members and professionals working in the sector.

In light of the above, the purpose of this report is to provide Council's position on the proposed reforms to both Western Australian Local Government Association (WALGA) and the Minister for Local Government based on the content of the Local Government Reform Summary document developed by the DLGSC as attached.

**COMMENT:**

Briefly, the proposed reforms are based on six themes:

1. Earlier intervention, effective regulation and stronger penalties;
2. Reducing red tape, increasing consistency and simplicity;
3. Greater transparency and accountability;
4. Stronger local democracy and community engagement;
5. Clear roles and responsibilities; and
6. Improved financial management and reporting.

Unfortunately, due to the timing of the release of the reforms summary, Council collectively has not had opportunity to workshop a consolidated response. However, a presentation given by WALGA representatives on the proposed reforms on 6 December 2021 at the Shire of Manjimup Council Chambers was attended by 5 Shire of Manjimup councillors, alongside councillors and staff from Boyup Brook, Bridgetown, Donnybrook-Balingup and Nannup.

A thorough review has been undertaken by Shire staff and relevant comment developed for each proposed reform. The content and changes of each theme is discussed by Officers in the attachment, with a recommendation provided to Council on each proposed change to the Act. It should be noted that either WALGA or Council has established positions on a number of the proposed reforms, and these have been included into the attached summary where relevant.

As a general comment, a number of the proposed reforms seem to duplicate existing local government processes and are expected to cost local governments substantial amounts of money to carry out in order to be compliant. Others, such as the introduction of independent persons onto Audit Committees, seem to insinuate a distrust of local governments at a State-level to be able to govern their own affairs appropriately, and in accordance with legislative requirements.

**STATUTORY ENVIRONMENT:**

The review of the Local Government Act 1995 is critical to all Local Government organisations as it represents an opportunity to provide significant input into the statutory basis of the operation of local government in Western Australia.

**POLICY IMPLICATIONS:**

Prospective amendments to the *Local Government Act 1995* may require reconsideration of several strategic and policy positions of the Shire of Nannup.

**FINANCIAL IMPLICATIONS:**

Should aspects with financial implications be included in the new Act, the cost of those aspects will need to be factored into the local governments operational budget. The cost to carry out these proposed reforms is expected to be financially severe to the local government.

Therefore, it is in Council's interest to advocate that the cost of the proposed reforms be borne by the State Government. A recommendation to this effect will be included in the Officer Recommendation, and included with the submission to DLGSC.

**STRATEGIC IMPLICATIONS:**

Our Council Leadership  
A listening leadership that for and represents all.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. Adopt Attachment 11.5.1 as the submission to both the Western Australian Local Government Association and the Department of Local Government Sport and Cultural Industries into Local Government Reform; and
2. Advise the Department of Local Government, Sports and Cultural Industries that the financial cost of implementing the proposed reforms will effectively reduce funding available to complete local government works and services. To mitigate this financial loss, all cost associated with the implementation of the proposed reforms should be borne by the State Government of Western Australia.

**COUNCIL RESOLUTION 21163**

**MOVED: CR HANSEN**

**SECONDED: CR BROWN**

***That Council:***

1. ***Adopt Attachment 11.5.1 as the submission to both the Western Australian Local Government Association and the Department of Local Government Sport and Cultural Industries into Local Government Reform; and***

- 2. Advise the Department of Local Government, Sports and Cultural Industries that the financial cost of implementing the proposed reforms will effectively reduce funding available to complete local government works and services. To mitigate this financial loss, all cost associated with the implementation of the proposed reforms should be borne by the State Government of Western Australia.***

***CARRIED (7/0)***

|                          |                                                     |
|--------------------------|-----------------------------------------------------|
| AGENDA NUMBER & SUBJECT: | 11.6 - Draft Strategic Community Plan – 2021 – 2036 |
| LOCATION/ADDRESS:        | Shire of Nannup                                     |
| NAME OF APPLICANT:       | Shire of Nannup                                     |
| FILE REFERENCE:          | ADM 3                                               |
| AUTHOR:                  | David Taylor – Chief Executive Officer              |
| REPORTING OFFICER:       | David Taylor – Chief Executive Officer              |
| DISCLOSURE OF INTEREST:  | Nil                                                 |
| DATE OF REPORT:          | 12 December 2021                                    |
| ATTACHMENTS:             | 11.6.1 – Draft Strategic Community Plan 2021 – 2036 |

### BACKGROUND:

As part of the statutory requirements, the Nannup Strategic Community Plan has undergone a major review including community consultation in relation to the direction the community wishes to see Council head over the next 10 – 15 years.

### COMMENT:

A large survey was advertised for public participation earlier in the year. The Shire received 98 responses from a wide range of community members along with completing a number of face to face interviews.

The survey revealed that the overall satisfaction of current services and facilities of the Shire of Nannup was good with 11.96% respondents being Very Satisfied, 52.17% Satisfied and 21.74% Neither Satisfied or Dissatisfied.

A snapshot survey results plan was prepared and distributed to the Nannup community. The major themes important to the Nannup community were;



**STATUTORY ENVIRONMENT:**

Section 5.56 of the *Local Government Act 1995* and Section 19C of the *Local Government (Administration) Regulations 1996* relating to Planning for the Future.

Section 19C of the *Local Government (Administration) Regulations 1996* sets out the following processes in relation to the development of a Strategic Community Plan:-

(1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013. (

2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.

(3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.

(4) A local government is to review the current strategic community plan for its district at least once every 4 years.

(5) In making or reviewing a strategic community plan, a local government is to have regard to —

(a) the capacity of its current resources and the anticipated capacity of its future resources; and

(b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and

(c) demographic trends.

(6) Subject to sub regulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

(7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

\*Absolute majority required.

(8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan. Shire of Nannup Ordinary Council Meeting Minutes 27 April 2017 14

(9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.

(10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

**POLICY IMPLICATIONS:**

Policy ADM 19 - Community Consultation.

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Our Leadership – A listening leadership that provides for and represents all.

Our Community Leadership – We listen to our community leaders.

**VOTING REQUIREMENTS:**

Absolute Majority.

**OFFICER RECOMMENDATION:**

That Council adopt the Shire of Nannup Strategic Community Plan 2021-2036 as part of the Shire of Nannup Integrated Planning and Reporting program.

***COUNCIL RESOLUTION 21164***

***MOVED: CR BUCKLAND***

***SECONDED: CR BROWN***

***That Council adopt the Shire of Nannup Strategic Community Plan 2021-2036 as part of the Shire of Nannup Integrated Planning and Reporting program.***

***CARRIED BY ABSOLUTE MAJORITY (7/0)***

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

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Nil.

**13. URGENT BUSINESS:**

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Nil.

**14. MEETING MAY BE CLOSED:**

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Nil.

**15. CLOSURE OF MEETING:**

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The Shire President declared the meeting closed at 6.05pm.