



AGENDA

Council Meeting to be held
on Thursday 26 August 2010

Shire of Nannup

NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Nannup Council will be held on Thursday 26 August 2010 in the Council Chambers, Nannup commencing at 4.15 pm.

Schedule for 26 August 2010:

3.15 pm	Information Session
4.15 pm	Meeting commences
7.00 pm	Dinner



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

A g e n d a

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS
2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE
(previously approved)
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE
4. PUBLIC QUESTION TIME
5. APPLICATIONS FOR LEAVE OF ABSENCE
6. PETITIONS/DEPUTATIONS/PRESENTATIONS
7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 22 July 2010 be confirmed as a true and correct record.

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
9. REPORTS BY MEMBERS ATTENDING COMMITTEES
10. REPORTS OF OFFICERS

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

- (a) OFFICERS
- (b) ELECTED MEMBERS

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

- 12.1 People's Choice Award

Cr Dean, I move that:

“that the Shire ask the Nannup Arts Council to set up a people's choice award for a piece of art at their annual exhibition and the Shire Council be given first right of purchase of said piece.”

13. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**14. CLOSURE OF MEETING**

DEVELOPMENT

SERVICES

AGENDA NUMBER: 10.1
SUBJECT: WAPC Subdivision Application No. 142385 Lot 8295 & 8296
LOCATION/ADDRESS: Cundinup-Kirup Road
NAME OF APPLICANT: Mr Greg Mader
FILE REFERENCE: A159
AUTHOR: Bob O'Sullivan - Planner
DISCLOSURE OF INTEREST:
DATE OF REPORT: 21 July 2010

Attachments: 1. Plan of Lots 1-3 in subdivision of Lots 8295, 8296.
 2. Letter from Mr Greg Mader.

BACKGROUND:

The application for the proposed subdivision of Lots 8295 and 8296 on Plan DP201621 was discussed on 20 July 2010 with Mr. Jacob Clements at the Western Australian Planning Commission (WAPC) who granted an extension of time to comment until 3 September 2010.

The application to the WAPC seeks approval to subdivide Lots 8295 and 8296 on DP201621 into 3 lots. Lots 8295 and 8296 are adjoining lots and each is divided by a road, Lot 8295 by Cundinup South Road and Lot 8296 by the Cundinup-Kirup Road. A diagram of the proposed subdivision is attached which shows the common boundary of Lots 8295 and 8296 as "old boundary".

COMMENT:

The lands were inspected on 20 July 2010. The lands are mostly cleared and used for grazing. On proposed Lot 2, grape vines were being pulled out.

St Johns Brook runs west on the north side of Cundinup-Kirup Road through proposed Lot 1. A stream line tributary of St Johns Brook feeds a dam on the east side of Lot 8296 (in proposed Lot 2) and then runs through a culvert under Cundinup-Kirup Road to St Johns Brook. The land in proposed Lot 1 is level between the road and St Johns Brook and then rises gradually in the west and much steeper in the east. The land in proposed Lot 2 rises from Cundinup-Kirup Road in two rounded ridges, one on the western half and the other close to the east boundary.

Cundinup-Kirup Road is a winding road with short sight lines and double white line marking on its centreline and is not suitable for overtaking vehicles. It is used by heavy vehicles (generally timber cartage) with trailers. Farm tractors could cross near the centre of a straight section of road adjoining the western section of proposed Lot 1 where there are level sections of land on opposite sides of the road. Grazing cattle would only be moved across the road when the paddock had to be spelled and that could be done with assistance to stop traffic.

Council's Local Planning Scheme 3

In Council's Local Planning Scheme 3, the part of Lot 8295 on the west side of Cundinup Road (Lot 3) is in the Agriculture Priority 2 Zone. The balance of Lot 8295 and the whole of Lot 8296, which together make up proposed Lots 1 and 2, are in the Agriculture Zone.

The Local Planning Scheme 3 has, in clause 4.13, a minimum area of 80 hectares for lots created by subdivision in the Agriculture Zone and the Agriculture Priority 2 Zone.

The proposed Lots 1, 2 and 3 have areas of 21.7, 84.4 and 63.5 hectares respectively. Lots 1 and 3 are below the minimum areas sought in the Planning Scheme.

The applicant's submission to WAPC relies on the WA Development Control Policy 3.4 Subdivision of Rural Land which states "The existing physical division of a lot by a significant natural or constructed feature may be formalized through subdivision". The applicant submitted that the 2 roads dividing the subject lands are significant traffic routes for the region with an average of 126 and 127 vehicle movements per day and that heavy vehicles are permitted to use both roads. The applicant provided records of vehicle counts, and photographs of the 2 roads, 4 photographs along Cundinup-Kirup Road and 2 photographs along Cundinup South Road. The photos show each road has a bitumen seal and a double white line on the centre line in front of the full frontage of proposed Lot 1 and the full frontage of proposed Lot 3. Photos 5 and 6 also show a crest in Cundinup South Road near the centre of the frontage of proposed Lot 3.

Similar Situations

The WAPC approved a subdivision on 3/9/2010 (WAPC 140331; Council A1496) of Lot 11090 on DP203132 which was physically divided by the Brockman Highway. The subdivision created 2 lots, one with 52.4 hectares and the second with 3.7 hectares.

In June 2010 the State Administrative Tribunal dismissed 2 appeals (WASAT 89 and 92) against the refusal by WAPC to approve 2 subdivisions of rural lands

with lots below the minimum area. The appeals involved the question of significant physical barriers in roads and inconsistency with local and regional planning schemes and undesirable precedent.

Issues:

The main issue is whether proposed Lot 1 should be approved as a separate parcel given the proposed small size. Additionally Lot 3 is proposed to be a size smaller than 80 hectares. There are conflicting principles affecting the proposed lots. The question to be decided by Council is whether to recommend to the WAPC that the lots be created less than 80 hectares after considering,

1. Road safety in Cundinup-Kirup Road, and
2. The WA Development Control Policy 3.4 Subdivision of Rural Land which states "*The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision*", or alternatively,
3. Whether Lot 1 should continue to be part of Lot 8296 within a larger lot, with an area of 106.1 hectares, on the east of the Cundinup – Kirup Road. Here the objectives are:
 - the objectives in the Warren Blackwood Rural Strategy, Council's Local Planning Strategy and Local Planning Scheme 3 which aim to protect agricultural land from non-productive rural residential use by requiring new lots to have a minimum area of 80 hectares,
 - the possibility that the proposed Lot 1 with an area of 21.7 hectares may be seen as the precedent for small lot rural subdivisions fronting sealed rural roads in the shire.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council advise the Western Australian Planning Commission that the application for the proposed subdivision of Lots 8295 and 8296 on Plan DP201621 into three lots should be refused for the following reasons:

1. The proposed subdivision is inconsistent with the intentions in the Local Planning Strategy for Local Planning Scheme 3 (2007) with proposed Lot 1 having an area of 21.7 hectares and proposed Lot 3 an area of 63.5 hectares.

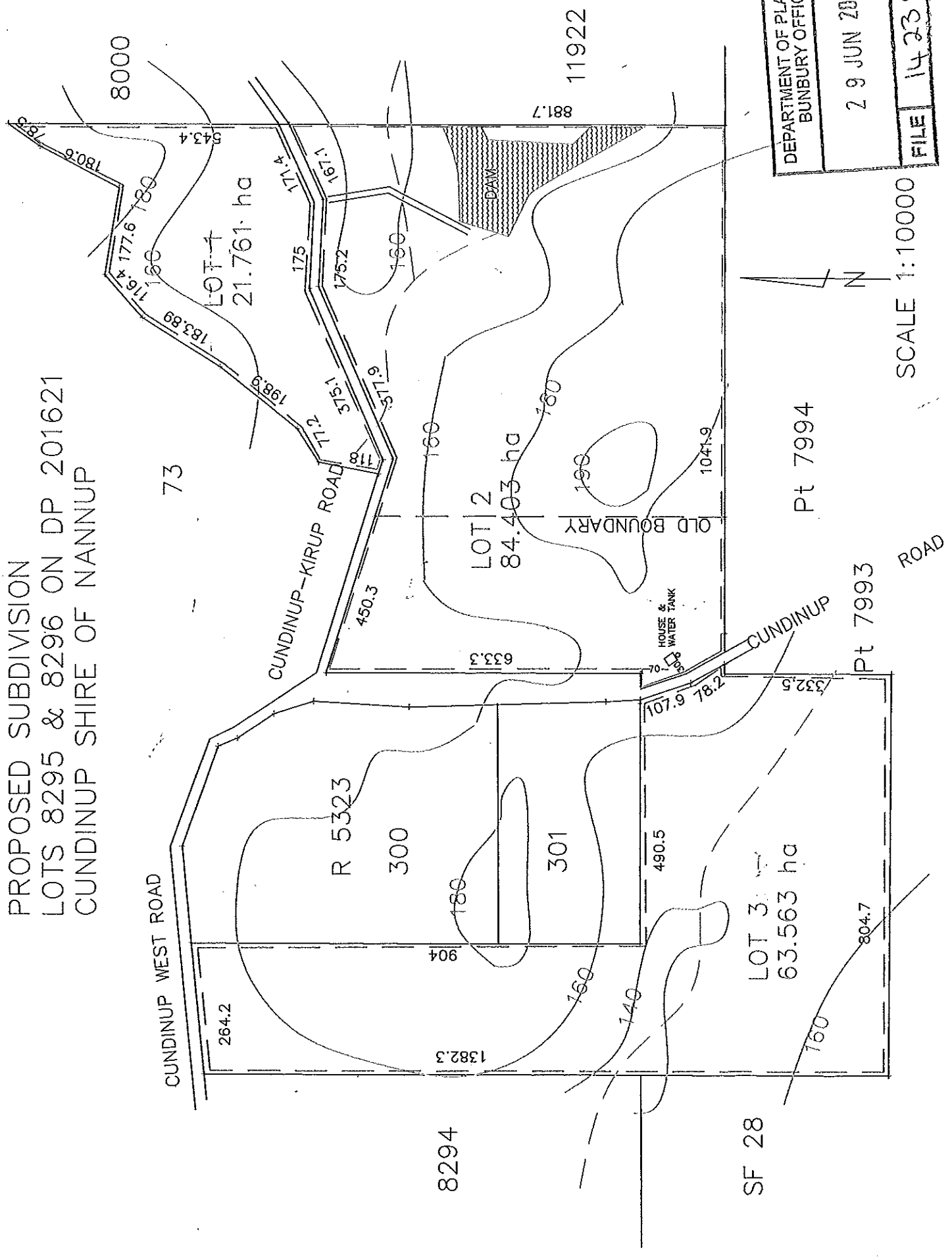
2. The proposed Lot 1 having an area of 21.7 hectares and proposed Lot 3 an area of 63.5 hectares may be seen as the precedent for small lot rural subdivisions fronting sealed rural roads in the shire.

VOTING REQUIREMENTS:

A handwritten signature in black ink that reads "Bob O'Sullivan". The signature is written in a cursive, flowing style.

**BOB O'SULLIVAN
PLANNER**

PROPOSED SUBDIVISION
LOTS 8295 & 8296 ON DP 201621
CUNDINUP SHIRE OF NANNUP



DEPARTMENT OF PLANNING BUNBURY OFFICE	29 JUN 2010	FILE 142385
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SCALE 1:10000

Greg Mader
Po Box 41
BALINGUP WA 6253
Ph: 0427562040

Western Australian Planning Commission
6th Floor
Bunbury Tower
61 Victoria Street
BUNBURY WA 6230

A159

Dear Sir

**APPLICATION FOR SUBDIVISION – NELSON LOCATIONS 8295
AND 8296**

Please find enclosed an application for subdivision of Nelson Locations 8295 and 8296.

Nelson Location 8295 straddles Cundinup South Road and is a total of 87.16 Ha. The western portion is approximately 63.5 Ha and the eastern portion is 23.6 Ha.

Nelson Location 8296 straddles Cundinup Kirup Road and is a total of 83.56 Ha. The northern portion is approximately 21.7 Ha and the southern portion is 60.7 Ha.

The proposal is to create 3 parcels of land to follow the severance of the existing land parcels by Cundinup Kirup and Cundinup South Roads as per the plan of subdivision attached to this application. One extra lot will be created if the application for subdivision is successful.

The Shire of Nannup Local Planning Scheme and Local Planning Strategy provide for farm restructuring in cases where it can be shown (generally) that the land configuration outcomes will not constrain farming operations, enhance and protect the viability of the land and productive capacity on the subject land and adjoining properties. It is noted however that the farm restructure criteria does not apply when an additional lot is proposed.

DEPARTMENT OF PLANNING BUNBURY OFFICE	
29 JUN 2010	
FILE	142385

The proposal will not remove or constrain these objects of the Shire of Nannup Local Planning Scheme and Local Planning Strategy as operations of the existing 3 farm units is planned and undertaken around the road severances. The proposal will however consolidate the portions of Nelson Location 8295 and 8296 into one title. This area is the most valued portion of the farming unit, given the land capability, water availability (with a large dam being located in the north east portion of Nelson Location 8296), the fact area is completely developed and has north facing slopes etc.

It is also noted that within the land area subject of the application, the proposal will not see a fragmentation of lots within the Priority Agriculture 2 Zone. The consolidation of portions of Nelson Locations 8295 and 8296 and the additional lot is within the Agriculture Zone.

Furthermore Section 4.3 of *Development Control Policy 3.4 – Subdivision of Rural Land* states:

“The existing physical division of a lot by a significant natural or constructed feature may be formalised through subdivision. A significant physical division generally does not include rural roads or creeks that are commonly crossed for farm management”.

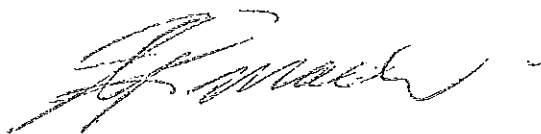
Both Cundinup Kirup and Cundinup South Roads are significant traffic routes for the region with an average of 126 and 127 vehicle movements per day respectively. Heavy vehicles are permitted to use these roads.

As the managing authority of these roads, enclosed is a statement of the status of the roads and official traffic counts from the Shire of Nannup.

Photographs have also been provided for sections of the Cundinup Kirup and Cundinup South Road(s) at different locations that provides frontage to Nelson Locations 8295 and 8296 illustrating the sight distances, crests and bends etc that have prompted the road authority to rate these sections with double white lines.

Notwithstanding that these road indicators are for traffic management purposes, farm management practices are constrained by the road conditions and therefore I ask the WAPC to exercise its discretion and judgement in supporting the application for subdivision in this instance.

Yours faithfully



Greg Mader

23 June 2010

AGENDA NUMBER: 10.2
SUBJECT: Local Government Guidelines for Subdivisional Development Policy
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE:
AUTHOR: Bob O'Sullivan - Planner
DISCLOSURE OF INTEREST:
DATE OF REPORT: 27 July 2010

Attachment: Local Government Guidelines for Subdivisional Development.
(Separate Cover)

BACKGROUND:

Council has a Local Planning Policy 017 Subdivisional Development Guidelines.

Consultant engineering firm Ascent Engineering (Mr Mark Goodlet) recommended in a report to Council dealing with the Askino subdivision (file A475) dated 12 July 2010 *that the Shire formally adopt the "Local Government Guidelines for Subdivisional Development" Edition 2, 2009 as its standard for subdivision works.* The Ascent Engineering report is contained in Council's Information bulletin August 2010 where comment is also made.

The Department of Planning funded the preparation of the Subdivisional Development Guidelines and is now trialling the guidelines for 6 months and waiting for a response from the Urban Development Institute Australia (verbal advice from Ms Marion Thompson at Department of Planning).

Mr. Goodlet states in his report supporting the Guidelines for Subdivisional Development 2009 - Edition 2 that,

- it is a document suitable for adoption by local authorities for their subdivision standards,
- it is an update of the early version of this document that is currently in use by the Shire of Nannup,
- the Institution is encouraging its uniform use across Western Australia,
- it aligns with current State government policy on many subdivision engineering requirements such as water management and "Liveable Neighbourhoods".

COMMENT:

The Guidelines for Subdivisional Development 2009 - Edition 2 is written in plain English and it claims to be suitable for developers, planners, engineers and contractors.

The Guidelines for Subdivisional Development 2009 - Edition 2 deals with topics that are vital to this Shire including bond agreement, inspection of subdivision works, clearance by Council of a stage in a subdivision, liability for defects, detail in the construction of a subdivision, and the management of water/drainage.

The author of the Guidelines, the Institute of Public Works Engineering Australia (WA Division), says on its website the guidelines are intended to underlie and support subdivision conditions applied by the Western Australian Planning Commission and will be reviewed by mid-2010 and then biennially.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and Local Government (Functions & General) Regulations 1996.

POLICY IMPLICATIONS:

For Council to adopt the Guidelines for Subdivisional Development 2009 - Edition 2 existing Local Planning Policy 017 Subdivisional Development Guidelines would need to be revoked and replaced by either:

- A planning policy under the Local Planning Scheme No.3, or
- a Local Law adopting the text of the Guidelines which is possible per sub-sections 3.8(1)(c), 3.8(2)(c) in the procedure prescribed in section 3.12 of the Local Government Act and regulation 3 in the Local Government (Functions & General) Regulations 1996.

To replace a Local Planning Policy under Council's Local Planning Scheme 3, the process is that Council adopts and advertises the draft policy, considers submissions, reviews the draft policy, resolves to finally adopt the policy, and places a newspaper notice that it has adopted the policy. Whenever a planning policy is amended the preceding procedure has to be followed each time.

Council has recently been through this process with a number of Local Planning Policies. Main Street Guidelines are submitted for consideration at today's meeting which are anticipated to utilise this process.

To prepare a Local Law that incorporates the text in the Institute's Guidelines, the procedure in section 3.12 of the Local Government Act is to give State wide and local public notice, separately, of the proposal to make the local law, provide a copy of the proposed local law and the notice to the Minister and anyone who asks for it, to receive submissions for 6 weeks, consider submissions, make the local law not significantly different from that proposed, publish the local law in the Gazette, give a copy to the minister, and give local public notice of the local law.

Council has recently been through this process with its Standing Orders Local Law.

The procedures to prepare a Local Planning Policy or make a Local Law are similar however the Local Law involves more actions and has more potential pitfalls. Both forms have legislative backing and remain legally enforceable.

Once a local law is made there should be no need to amend it when the Institute's Guidelines are amended biennially. There is, however, the possibility that the Guidelines must be dealt with under the more specific head of the town planning powers of Council rather than the more general powers contained in the Local Government Act 1995. Consequently the safest approach appears to be to introduce the Guidelines as a Local Planning Policy.

FINANCIAL IMPLICATIONS: Minor advertising costs.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

1. That Council resolve to adopt for the purposes of advertising Local Planning Policy 017 Local Government Guidelines for Subdivisional Development which adopts the text in the publication *Local Government Guidelines for Subdivisional Development 2009 - Edition 2* by the Institution of Public Works Engineering Australia (WA Division Inc.) as amended from time to time.
2. That Council revoke Local Planning Policy 017 Subdivisional Development Guidelines in accordance with Part 2 of Local Planning Scheme 3 following the conclusion of the formal adoption process of the Local Government Guidelines for Subdivisional Development - Edition 2.

VOTING REQUIREMENTS:



BOB O'SULLIVAN
PLANNER

AGENDA NUMBER: 10.3 SUBJECT: Local Planning Policy 008 Nannup Main Street Heritage Precinct LOCATION/ADDRESS: Nannup Townsite NAME OF APPLICANT: FILE REFERENCE: TPL 10 AUTHOR: Shane Collie – Chief Executive Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 12 August 2010
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Attachments:

1. Summary of Submissions LPP 008 – Nannup Main Street Heritage Precinct Policy.
2. Assessment of Streetscape Committee recommendations and J & B Dunnet's comments.
3. Detailed submission – J & B Dunnet.
4. Minutes Streetscape Advisory Meeting 23rd October 2008.
5. Minutes Streetscape Advisory Meeting 24th October 2008.

BACKGROUND:

Council resolved at their Ordinary Meeting held on the 22nd July 2010 to adopt the following Local Planning Policies:

- a. LPP 003 Installation of Standard Crossover Policy.
- b. LPP 004 Bed and Breakfast Policy.
- c. LPP 007 Special Rural Fencing Standards Policy.
- d. LPP 009 Relocated Dwellings Policy.
- e. LPP 011 Development in Flood Prone Areas Policy.
- f. LPP 012 Chalet Development Policy.
- g. LPP 013 Car Parking Policy.
- h. LPP 014 Mobile Shop/Temporary Premises/Street Stalls.
- i. LPP 016 Overflow Camping Areas.
- j. LPP 018 Sign Policy
- k. LPP 002 Private Stormwater Drainage Connections to Council's Drains.
- l. LPP 005 Consultation Policy.
- m. LPP 006 Standard Development & Subdivision Conditions and Grounds for Refusal Policy.

LPP 008 Nannup Main Street Heritage Precinct Policy was withdrawn from the agenda as staff were not satisfied that affected property owners' comments from previous consultation had been assessed and where appropriate, included in the summary of submissions. At the time of compiling the agenda item for July this had not been completed.

On reviewing previous records relating to the preparation of the Nannup Main Street Heritage Precinct Guidelines Policy, it was noted that the Streetscape

Advisory Committee Minutes of the meetings held on the 23rd and 24th October 2008 have not been formally considered by Council.

Additionally, despite the existing guidelines having a notation on the bottom of the first page stating "*Amended and adopted by Council as a Local Planning Policy – September 2008*", a thorough search of Council's minutes has been undertaken and there is no record of the guidelines being adopted by Council.

Hence the opportunity now presents itself to bring all of these points to a conclusion and a recommendation to adopt the Nannup Main Street Heritage Guidelines as a Local Planning Policy is put forward taking into account all known submissions and comments on the existing document.

COMMENT:

Council members would recall that closing date for public submissions on a range of proposed Local Planning policies was 11 June 2010. Draft LPP 008 – Nannup Main Street Heritage Precinct Policy was included as part of this advertising process.

At the close of the submission period four (4) submissions had been received with a fifth being received on 2 July 2010 (refer Attachments 1-3). Although submissions received after the closing date do not have to be included in the analysis, in this particular case some of the comments align with the comments and recommendations of the Streetscape Advisory Committee minutes of the 23rd and 24th October 2008 and the balance may, in the opinion of Council, be relevant and worthy of consideration.

Four (4) respondents were supportive of the draft policy, one (1) suggested additional changes and the Streetscape Committee recommendations contained in the minutes of the 23rd and 24th October 2008 (Attachments 4 and 5), suggest several changes to the guidelines prior to Council adopting them as policy.

As a consequence of the Streetscape Advisory Meeting recommendations referred to above, the Nannup Main Street Heritage Guidelines are recommended to include the following changes before final adoption by Council as a Local Planning Policy:

- The map shown on page 2 needs to be updated to reflect recent changes to building ownership/use;
- Check document for typing, grammatical and spelling errors;
- Page 5 – Building Form – Paragraph 4, replace the words 'large expanse of glass' with 'floor to ceiling glass';

- Page 6 – Plan Form – Paragraph 2, add the word 'heritage' before the words 'decorative feature tiles or mosaics'. A definition of what constitutes 'heritage' may need to be included in the guidelines to give greater clarity as to what is required.
- Page 6 – Roof Form – Paragraph 1, delete the last sentence 'The custom orb.....';
- Page 7 – Infill Development – Paragraph 3, The word 'complimentary' is inconsistent with the text – if the alternative words 'and complementary' (ie to complete) are inserted after the word 'compatible" and before the words 'in style....' this may achieve what was originally intended by the Streetscape Advisory Committee;
- Page 7 – Setbacks – Although the Streetscape Advisory Committee recommended paragraphs 3 and 4 should be deleted, they should be retained as they are currently written because paragraph 3 refers to the location of garages and carports and setbacks required - if this paragraph is removed there will be no guidelines for Council when considering an application for one of these structures and therefore the normal Building Code of Australia (BCA) and LPS No. 3 provisions would have to apply. This may result in garages and carports being approved with access from the main street and located close to the front setback allowance within the Scheme. Paragraph 4 relates to the design of a garage or carport. Once again without some guidelines Council would have to consider every application in accordance with the BCA & LPS. An alternative may be that the guidelines state that all garages or carports are to be situated at the rear of commercial buildings with access from the rear of the property unless otherwise approved by Council.
- Page 8 – Verandahs – Paragraph 5, amend to insert the words 'and concave' after the words "'bull nose' style" and before the word "verandahs";
- Page 9 – Windows and Doors – Paragraph 1, after the words 'heritage buildings are of a' delete the word 'vertical,';
- Page 9 – Windows and Doors – Paragraph 1, Amend last sentence commencing 'Aluminium frames' to read 'Aluminium frames that do not emulate or compliment the design and heritage look and are clearly metallic in finished appearance are not permitted';
- Page 9 – Windows and Doors – Paragraph 2, after the words 'Door openings' delete the words 'like windows'.

- Page 9 – Outdoor Advertising and Signage – Add an additional sentence prior to the second last paragraph as follows, 'All signage is to comply with the provisions of the Shire of Nannup's Local Planning Policy LPP.018 Sign Policy'.
- Page 9 – Outdoor Advertising and Signage – Paragraph 4, after the word 'potentially' delete the word 'very' and insert the words 'inappropriate and';
- Page 9 – Outdoor Advertising and Signage – Paragraph 5, after the words 'may also be permitted' and before the full stop add the following words ' only where the blinds obscure signage on the windows and any signage must only be of a type and size of those on the window/s being obscured';
- Page 9 – Outdoor Advertising and Signage – add after paragraph 5 the following new paragraph 'Bunting and permanent banners are not permitted;
- Page 10 – The Use of Colour – Paragraph 6, add after the words 'traditional red' and before the full stop, the following 'or that reflect that currently used in the main street and reflect the colours of the Nannup landscape';
- Page 10 – Parking Provisions and Vehicle Access – Paragraph 2, amend to read 'Where access to the rear car park is unavailable from the rear, access should be provided at the side of the building';
- Page 10 – Parking Provisions and Vehicle Access – delete top picture;
- Page 10 – Parking Provisions and Vehicle Access – Paragraph 3, delete second sentence;
- Page 11 – Fences and Garden Walls – Paragraph 4, after 'cement' delete "and" add in a comma. After "timber-lap" add in 'and treated pine'.
- Page 12 – Alfresco Dining – Paragraph 3, 1st sentence, add in third dot point after the word 'furniture' the words 'alfresco plastic blinds';
- Page 12 - Franchises / Corporate Images – Paragraph 2, after the word 'colours' remove 'bunting,'.

To conclude the above changes are considered relatively minor and common sense. There would appear to be no need to advertise any further given that consultation occurred at the end of 2008 and again in mid 2010. The proposed changes generally reflect the direction indicated by the Streetscape Advisory Committee and submissions, hence Council is advised to adopt the policy subject to the Guidelines being amended as detailed above..

STATUTORY ENVIRONMENT:

Shire of Nannup Local Planning Scheme # 3 Clause 2.4 and Local Government Act 1995 Section 2.7.

POLICY IMPLICATIONS:

The proposed Local Planning Policy has been reviewed in light of the comments made during the public consultation period, and where considered necessary amended to reflect the community concern where there is no conflict with Council's statutory obligations, including conflict with Council's existing Local Planning Scheme #, Local Planning Strategies or Local Laws.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

Council's 2010/11 – 2014/15 Forward Plan Action Item 10.2 (D) notes Council's desire to ensure compliance with Local Planning Scheme 3 and associated legislation. The final adoption of this policy will enshrine the current unadopted guidelines into the legislative framework of the scheme, a position that has been strived for quite some time.

RECOMMENDATION:

That Council adopts LPP.008 Nannup Main Street Heritage Precinct Policy incorporating the following amendments:

- The map shown on page 2 needs to be updated to reflect recent changes to building ownership/use;
- Check document for typing, grammatical and spelling errors;
- Page 5 – Building Form – Paragraph 4, replace the words 'large expanse of glass' with 'floor to ceiling glass';
- Page 6 – Plan Form – Paragraph 2, add the word 'heritage' before the words 'decorative feature tiles or mosaics'. A definition of what constitutes

'heritage' may need to be included in the guidelines to give greater clarity as to what is required.

- Page 6 – Roof Form – Paragraph 1, delete the last sentence 'The custom orb.....';
- Page 7 – Infill Development – Paragraph 3, The word 'complimentary' is inconsistent with the text – if the alternative words 'and complementary' (ie to complete) are inserted after the word 'compatible" and before the words 'in style....' this may achieve what was originally intended by the Streetscape Advisory Committee;
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- Page 8 – Verandahs – Paragraph 5, amend to insert the words 'and concave' after the words "'bull nose' style" and before the word "verandahs";
- Page 9 – Windows and Doors – Paragraph 1, after the words 'heritage buildings are of a' delete the word 'vertical,';
- Page 9 – Windows and Doors – Paragraph 1, Amend last sentence commencing 'Aluminium frames' to read 'Aluminium frames that do not emulate or compliment the design and heritage look and are clearly metallic in finished appearance are not permitted';
- Page 9 – Windows and Doors – Paragraph 2, after the words 'Door openings' delete the words 'like windows'.
- Page 9 – Outdoor Advertising and Signage – Add an additional sentence prior to the second last paragraph as follows, 'All signage is to comply with

the provisions of the Shire of Nannup's Local Planning Policy LPP.018 Sign Policy'.

- Page 9 – Outdoor Advertising and Signage – Paragraph 4, after the word 'potentially' delete the word 'very' and insert the words 'inappropriate and';
- Page 9 – Outdoor Advertising and Signage – Paragraph 5, after the words 'may also be permitted' and before the full stop add the following words ' only where the blinds obscure signage on the windows and any signage must only be of a type and size of those on the window/s being obscured';
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- Page 12 – Alfresco Dining – Paragraph 3, 1st sentence, add in third dot point after the word 'furniture' the words 'alfresco plastic blinds';
- Page 12 - Franchises / Corporate Images – Paragraph 2, after the word 'colours' remove 'bunting,'.

VOTING REQUIREMENTS:



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

SCHEDULE OF SUBMISSIONS

ATTACHMENT 1

Shire of Nannup Local Planning Scheme No. 3 – LPP08 - MAINSTREET DESIGN GUIDELINES,

submissions closed 11 June 2010

No	Ref	Name	Address of Submitter	Suburb	Date received	Summary of Submissions	Officer Comment	WAPC Recommendation
1		Mike Heffeman			18-May	No issues with the draft policy		N/A
2	443	Matt Noakes	167 Kent Street	Rockingham WA 6168	24-May	Endorse these guidelines. All developments should follow these guidelines, but aspiring builders should be given high levels of input at the preliminary design stages avoiding delays and conflict		N/A
3	482	AJ Twiss	PO Box 59	Nannup WA 6275	2-Jun	Strongly support the recommendation for adoption of the policy. An area that is of concern and should be considered under the proposal is the growing tendency within the town for "ICONS" to be erected with no public consultation and little regard for their aesthetic or artistic value. These have proliferated on the foreshore but are appearing in the main street area as Statues, artifacts and information signage. Nannup's appeal to visitors and residents is its historic country town atmosphere created by the retention of a large number of its earlier buildings with the occasional open spaces and lack of stark commercial advertising. To retain this appeal we need to do little other than maintain the upkeep and maintenance of the buildings and surrounds. The addition of "Interpretive Signs", "Tin or wood Statues" or "Works of Art" only serve to place Nannup in the same category of the other thousands of towns throughout Australia continually chasing government grants for further tourist gimmicks.	All structures, statues, icons etc would be deemed to be "development" under the LPS #3 provisions and need a planning approval prior to erection.	N/A
4	511	David Prater	Warren Road	Nannup WA 6275	9-Jun	Fully support		N/A
5	603	J & B Dunnet	Milyeannup Coast Road	Scott River WA 6275	2-Jul	Some of changes also proposed by Streetscape Advisory Committee (refer committee minutes 23rd & 24th October 2008. Note: Advisory Committee Minutes have not been considered by Council) together with various grammatical and structural layout issues. See detailed submission for full details.	Some of these issues were raised by the Streetscape Advisory Committee but not considered by Council. Comment on the matters raised have been included in a separate analysis summary with the matters raised by the Streetscape Advisory Committee.	N/A

Submission received after closing date of 11th June 2010

SUMMARY OF DETAILED COMMENTS RECEIVED
Shire of Nannup Local Planning Scheme No. 3 – LPP08 - MAINSTREET DESIGN GUIDELINES,
ATTACHMENT 2

Source	Page	Issue Raised	Officer Comment
Streetscape Advisory Committee Minutes 23rd October 2008	2	Update Map	Unclear from minutes what needs updating - need to clarify changes required.
	3	Correct small typing errors in para 2	Not identified within minutes - need to identify and correct.
		Para 5 must stay the same	Paragraph 5 re-affirms the guidelines as being for guidance only so that new developments & redevelopments are not stifled by a perception of the creation of a "time capsule".
	4	Town Character - Point 2, replace 1900 with 1920	Consistent with local historical information - guidelines currently provide a timeline between 1870 & 1930 covering the establishment of the timber industry. Is it Council's intention to amend the period to be between 1890 & 1950?
	5	Building Form - Para 1 - add a cross <input checked="" type="checkbox"/> and tick <input checked="" type="checkbox"/> adjacent to the appropriate pictures	Current guidelines show two examples of how a new development or redevelopment should complement existing structures. Adding a cross & tick against the diagrams will defeat the intent of including the pictures.
		Para 4 - replace the words 'large expanses of glass' with 'floor to ceiling glass'	
	6	Para 2 - add the word 'heritage' in front of 'decorative feature tiles or mosaics'.	A definition of what constitutes 'heritage' may need to be included in the guidelines to give greater clarity as to what is required.
		Roof Form - Para 1 - remove the last sentence... 'The custom orb...'	
		Building Height - Para 1 - paragraph should not be changed	Retains emphasis on single story developments
	7	Para 3 - add the word 'complimentary' in between ' style and form'	The word 'complimentary' is inconsistent with the text - perhaps the words 'and complementary' (ie to complete) was intended, if so, should be inserted after the word 'compatible' and before the words 'in style....'

SUMMARY OF DETAILED COMMENTS RECEIVED
Shire of Nannup Local Planning Scheme No. 3 – LPP08 - MAINSTREET DESIGN GUIDELINES,
ATTACHMENT 2

Source	Page	Issue Raised	Officer Comment
		<p>Setbacks - remove paragraphs 3 and 4 including diagrams</p>	<p>Paragraph 3 refers to location of garages and carports and setbacks - if this paragraph is removed there will be no guidelines for Council to consider an application for one of these structures and therefore the normal Building Code of Australia (BCA) and LPS No. 3 provisions will apply. This may result in garages and carports being approved with access from the main street and located close to the front setback allowance within the Scheme. Paragraph 4 relates to the design of a garage or carport. Once again without some guidelines Council would have to consider every application in accordance with the BCA & LPS. Perhaps Council should state within the guidelines that all garages or carports are to be situated at the rear of commercial buildings with access from the rear of the property unless otherwise approved by Council.</p>
	8	Verandahs - para 5 - include 'as should concave verandahs' at the end of the sentence	Suggest that the words 'and concave' be inserted after the word "bull nose style" and before the word "verandahs" to achieve the same result.
	9	Windows and Doors - Para 1 - remove the word 'vertical'	Suggest the use of the word 'Rectangular' instead of 'vertical' to address the current variations of window type.
		Change the word 'encouraged' to 'permitted'	Support.
		Para 2 - remove 'like windows'	
		Outdoor Advertising and Signage - para 5 - replace the words 'may also be' to 'are not'	If a business has advertising signs on its windows and a roll down blind obscures the windows perhaps a sign of a similar size to that on the window may be permitted on the blind - only where the blind is not clear (ie see-through).
Streetscape Advisory Committee Minutes 24th October 2008	6	Roof Form - Last sentence of the 1st para - delete	
	9	Outdoor Advertising and Signage - Add 'Refer Shire Signage Policy'	Suggest wording be 'Refer Shire Local Planning Policy LPP.018 Sign Policy'

SUMMARY OF DETAILED COMMENTS RECEIVED
Shire of Nannup Local Planning Scheme No. 3 – LPP08 - MAINSTREET DESIGN GUIDELINES,
ATTACHMENT 2

Source	Page	Issue Raised	Officer Comment
		Amend to read 'Large hoarding style signs on the flank walls of buildings are potentially inappropriate and intrusive' At end of paragraph add 'normal approval processes apply'	Irrelevant - refer page 3 'The Guidelines & Nannup Local Planning Scheme' See above comment in relation to roll-down blinds
		Advertising sign on roll down blinds on veranda's are not permitted	Reword to read 'Bunting and permanent banners are not permitted'
		Bunting is not permitted	Irrelevant - refer page 3 'The Guidelines & Nannup Local Planning Scheme'
		Permanent banners and bunting are not permitted.	Should reflect what is currently used in the main street buildings.
		Temporary banners are subject to normal approval processes	Where rear access is not available where will parking be permitted? Suggest that the first paragraph be reworded to read 'Where rear access is available private parking provision should be at the rear of the building, otherwise at the side. Open car parks at the front of buildings will not be permitted'
	10	The Use of Colour - Add to the end of paragraph <i>The preferred colour for</i> 'or as per character sheet'	Disagree - see comment above
		Parking Provisions - Where rear access is available private parking provision should be at the rear of the building	Delete top picture, retain lower one.
		Delete rest of sentence	Retain paragraph - see comment above - need guidance on where access is to be provided if not available from the rear.
		Delete two pictures	Support
		Delete next paragraph 'Access to rear...'	Support treated pine fencing being non-compliant,, however there are previous instances of metal sheet fencing being erected - are the owners going to be compensated if they are forced to remove them or will they be allowed to remain under the 'non-conforming use' provisions of the LPS.
		Service access shall be provided at the rear of a commercial building. Delete rest of sentence.	
	11	Fences and Gardens Walls - Paragraph 4 - Add 'metal sheet and treated pine' to first sentence	
		AI Fresco Dining - Add 'alfresco plastic blinds' to first sentence of paragraph three, section three: al fresco dining....	
	12	Franchises/Corporate Images - paragraph 2: Remove word 'bunting' add in last paragraph 'will not be permitted'	Need to ascertain exact location of desired additional wording as adding it to the last paragraph will not make any sense.

SUMMARY OF DETAILED COMMENTS RECEIVED
Shire of Nannup Local Planning Scheme No. 3 – LPP08 - MAINSTREET DESIGN GUIDELINES,
ATTACHMENT 2

Source	Page	Issue Raised	Officer Comment
J & B Dunnet			
		Town Character - Dot point two needs to be changed to 'post 1912'	See comments above re Town Character
		Add Dot point 3 - Agricultural heritage eg. Post and rail fences	Post and rail fences (around halls) is not considered to be a "major" theme.
		Land Uses - description needs to include community facilities - eg churches and town halls	Churches & Town Halls are already catered for under the wording of 'civic and cultural' uses.
		Roof Form - Delete last sentence and replace with colours as suggested in heritage colour chart.	Already addressed by Streetscape Advisory Committee recommendation above.
		Infill Development - reference to materials that comply should be removed from the guidelines	There are no references to materials that 'comply' in the guidelines only that they should be 'compatible', 'sympathetic' and provide 'continuity and harmony' with the existing streetscape.
		Setbacks - Garages should not be permitted on the front street. Para 3 should be removed	See comments above re Setbacks
		Open Space & Landscaping - At what age does a garden or tree become part of Nannup's heritage?	The guidelines only refer to 'maintaining the town's rural character' and makes no reference to a garden or tree/s being classed as 'heritage'.
		Windows & Doors - metal windows (coloured aluminium or steel) can make a building attractive with less maintenance requirements of timber. Also white ant proof. Wording should be 'no floor to ceiling glass windows'	Support - modern metal finishes can emulate heritage styles.
		Use of Colour - colours should reflect what is currently used in main street. Colours should relate to the colours in the local landscape.	Support.
		Outdoor Advertising and Signage - also refer to Shire's signage policy	No longer relevant - refer to LPS No. 3 provisions instead
		Parking Provisions and Vehicle Access - where rear access is available parking should be at the rear of the building. Delete rest of sentence and pictures.	See comments above re Parking Provisions and Vehicle Access
		Fences and Garden Walls - Metal Sheet and treated pine posts should be added to list of non-compliant materials.	Support treated pine fencing being non-compliant, however there are previous instances of metal sheet fencing being erected - are the owners going to be compensated if they are forced to remove them or will they be allowed to remain under the 'non-conforming use' provisions of the LPS.
		General Comments: Illustrations for the Franchises/Corporate Images are hard to know whether the signs are recommended or should not be used.	The illustrations serve to provide indicative positioning/placement. Ultimately all signs have to be assessed in accordance with the Shires Local Planning Policy LPP.018 Sign Policy.

SUBMISSION ON MAIN STREET GUIDELINES

As the owners of a property in the Main Street of Nannup, we wish to offer the following comments on the Main Street Guidelines.

- We should firstly get the history correct so that we can base our guidelines on our heritage from the past. The township of Nannup has a truly agricultural base with the first shop located on the Northern side of the traffic bridge at "Macroon". The first settlers came to Nannup in 1862 and progressively cleared and developed properties. The first Town Hall was built by the Farmers and Graziers of the district from the timber they retrieved from their land clearing operations. The farmers and Graziers petitioned the State Government for finance to extend the Railway line to Nannup because of the potential for the dairy and potato industry and the fact that there was also a timber resource to be had. The line was opened in 1909 and Barrabup Mill commenced in 1908. This closed in 1925 and the timber industry moved to the present site in. The Farmers and Graziers Assoc also sought and received Government finance for the Recreation ground and a new school.
Source History of Nannup. – Charles Gilbert and Len Talbot

BACKGROUND

The wording of the background information in paragraph 2 needs changing.

The map of the main street also needs updating.

PURPOSE OF THE GUIDELINES

Agree that we should have guidelines for preserving the character of the main street. These should relate to colours, building form etc, however the guidelines must continue to allow us to infill the main street as the need increases for more services and community buildings. There must be flexibility in these guidelines so that it does not stifle new development as there will be newer and better materials which can deliver the same look. The guidelines should be reviewed and updated every 5 years. This is particularly evident with the colour of the rooves. It is great to have custom orb; however this has been replaced by colour bond. It is better to achieve a limited colour range through selection from the colour bond range of colours rather than restrict roof colours to zincalume or red painted roofs. We already have blue and green roofs in the main street.

Agree with building height restrictions. In the heritage guidelines it should be clearly pointed out which buildings are heritage listed and are examples of the heritage of our past.

TOWN CHARACTER

Dot point 2 is incorrect. It needs to be changed to post 1912 if we are to talk about timber heritage.

We should have a dot point 3 which includes our agricultural heritage.
E.g. post and rail fences around halls.

LANDUSE

Page 4 we need to make the description include community uses such as the churches and town halls. Civic may include town halls but not churches of which there are 3.

ROOF FORM

Delete last sentence and replace with colours as suggested in heritage colour chart.

INFILL DEVELOPMENT

The materials used for compliance are once again limited with more modern materials available to achieve the same look. We will need to have more intensity as development increase and not small buildings on large lots. This should be removed from the guidelines as it is not achievable.

SETBACKS

Garages on the front street are not part of Nannup's heritage and if at all possible should not be located at the front of buildings.
Paragraph 3 should be removed.

OPEN SPACE AND LANDSCAPING

One needs to answer the question as to what age is a garden or tree that it becomes part of Nannup's, heritage?

WINDOWS AND DOORS

Coloured aluminium windows can make a building more attractive with less upkeep than wooden ones. Both materials should be able to be used as long as they do not detract from the character of the building.

Many windows are wide paned glass with wooden frames. e.g., Hardware, Fish and chip shop, Eziway, shops between post office and eziway, Crafty Creations. The wording should be no floor to ceiling glass windows.

Steel frames to look like timber is a deterrent to white ants and used wisely can deliver the same look.

Para 1 Remove the word vertical or put "or" between vertical and rectangular because there is a mixture of both.

Over emphasis on vertical windows when this is not the most prevalent window type.

THE USE OF COLOUR

Please review and select appropriate colours according to what is currently being used in the main street. The colours should be related to colours in our landscape.

OUTDOOR ADVERTISING AND SIGNAGE

Refer also to the Shires signage policy

PARKING PROVISIONS AND VEHICLE ACCESS

Where rear access is available, parking should be at the rear of the building. Delete rest of sentence and pictures.

FENCES AND GARDEN WALLS

Metal sheet and treated pine posts should also be added to the list of non compliant materials.

General Comments. Some of the illustrations such as the one in the Franchise /Corporate Images are hard to know whether the signs are of a good recommendation or an example one that should not be used!!!!

The principles of maintaining our Heritage character should generally be maintained through building form, design and the appropriate use of colour. The principles should be in the LPS and not the detail.

Regards

Barbara and John Dunnet

MINUTES OF THE STREETScape ADVISORY COMMITTEE

held on 23 October 2008, at 11.20 am
in the Council Chambers
Nannup Shire Office

1. OPENING, RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

1.1 Attendance

Committee Members	Shire Staff
Cr Carol Pinkerton (Chair)	Steve Winfield
Cr Robert Taylor	
Cheryle Brown	
Kevin Bird	
Bob Longmore	

1.2 Apologies

Committee Members	Shire Staff
Cr Margaret Bird	Louise Stokes

1.3 Leave of Absence

Committee Members	Shire Staff
Nil	Nil

2. PREVIOUS MINUTES

2.1 Acceptance of Previous Minutes

R Taylor / C Pinkerton

That the minutes from the meetings held on 14 October 2008 be accepted as a true and accurate record.

CARRIED

3. BUSINESS ARISING FROM PREVIOUS MINUTES

3.1 Thylacine Public Sculpture (Item 3.1 refers to Item 5.3 New Business 14 October 2008)

R. Taylor asked for more details on the fibreglass sculptures.

3.2 Redevelopment of Shire Front Gardens (Item 3.2 refers to Item 4.2 New Business 14 October 2008)

S. Winfield received a quote from R Stanley for replacing the Garden beds with a stone wall border for \$2,800.00.

K Bird/R Taylor

Support the quote and the work go ahead. (Does it now need to go to Council or can Chris organise)?

CARRIED

3.3 Main Street Guidelines (Item 3.3 refers to Item 4.1 New Business 14 October 2008)

Attachment: Nannup Mainstreet Heritage Precinct Design Guidelines

There was general discussion on the current Nannup Mainstreet Heritage Precinct Design Guidelines with each person having a say. It was agreed that the committee should work through it and make changes.

B. Longmore/C. Browne

The following changes to the Nannup Mainstreet Heritage Precinct Design Guidelines be recommended to Council.

- Page 2: Update the map.
- Page 3: Correct small typing errors in paragraph 2
Paragraph 5 must stay the same.
- Page 4: **Town Character**, point 2
Replace 1900 to 1920.
- Page 5: **Building Form**
Paragraph 1
Add a cross and tick adjacent to the appropriate pictures.

Paragraph 4
Replace the words 'large expanses of glass' with 'floor to ceiling glass'.
- Page 6: Paragraph 2
Add the word 'heritage' in front of 'decorative feature tiles or mosaics'.

Roof Form
Paragraph 1
Remove the last sentence, 'The custom orb...'

Building Height
Paragraph 1
Paragraph should not be changed.
- Page 7: Paragraph 3
Add the word 'complimentary,' in between 'style and 'form'

Setbacks
Remove paragraphs 3 and 4 including diagrams.
- Page 8: **Verandahs**
Paragraph 5
Include 'as should concave verandahs' at the end of the sentence.
- Page 9: **Windows and Doors**
Paragraph 1
Remove the word 'vertical'.
Change the word encouraged to permitted.

Paragraph 2
Remove 'like windows'.

Outdoor Advertising and Signage
Paragraph 5
Replace the words 'may also be' to 'are not'.

CARRIED

6. MEETING ADJOURNED

The meeting was adjourned until Friday 24th October 2008 at the Nannup Shire Council Chambers, commencing at 2pm.

MINUTES OF THE STREETScape ADVISORY COMMITTEE

held on 24 October 2008, at 2.14 pm
in the Council Chambers
Nannup Shire Office

1. OPENING, RECORD OF ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE

1.1 Attendance

Committee Members	Shire Staff
Cr Carol Pinkerton	Steve Winfield
Cr Robert Taylor	Louise Stokes
Cheryle Brown	
Kevin Bird (Chair)	
Bob Longmore	

1.2 Apologies

Committee Members	Shire Staff
Cr Margaret Bird	

1.3 Leave of Absence

Committee Members	Shire Staff
Nil	Nil

3.3 Main Street Guidelines (Item 3.3 refers to Item 4.1 New Business 14 October 2008)

Attachment: Nannup Mainstreet Heritage Precinct Design Guidelines

There was general discussion on the current Nannup Mainstreet Heritage Precinct Design Guidelines with each person having a say. It was agreed that the committee should work through it and make changes.

B. Longmore/C. Brown

The following changes to the Nannup Mainstreet Heritage Precinct Design Guidelines be recommended to Council.

Page 6. **Roof Form.**
The last sentence of the first paragraph is deleted.

Page 9: **Outdoor Advertising and Signage**
Add 'Refer Shire signage policy.'

Amend to read 'Large hoarding style signs on the flank walls of buildings are potentially inappropriate and intrusive.'

At end of paragraph add 'normal approval processes apply.'

Advertising sign on roll down blinds on veranda's are not permitted.

Bunting is not permitted.

Permanent banners and bunting are not permitted.
Temporary banners are subject to normal approval processes.

Page 10: **The Use of Colour**
Add to end of paragraph The preferred colour for... 'or as per character sheet.'

Parking Provisions
Where rear access is available private parking provision should be at the rear of the building.

Delete rest of sentence.

Delete two pictures.

Delete next paragraph 'Access to rear...'

Service access shall be provided at the rear of a commercial building. Delete rest of sentence.

Page 11: **Fences and Garden Walls**
Paragraph 4. Add "metal sheet and treated pine" to first sentence.

Alfresco Dining
Add 'alfresco plastic blinds' to first sentence of paragraph three, section three: al fresco dining...

Page 12 **Franchises/Corporate Images**
paragraph 2: Remove word 'bunting'
add in last paragraph 'will not be permitted'

CARRIED

6. MEETING CLOSED

The meeting was closed at 3.15pm.

7. NEXT MEETING.

Will be called when deemed necessary.

AGENDA NUMBER: 10.4
SUBJECT: Draft Local Planning Policy 015 Dedication of Roads
LOCATION/ADDRESS: Shire of Nannup
NAME OF APPLICANT:
FILE REFERENCE: TPL 10
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 12 August 2010

Attachment: Draft LPP 015 – Dedication of Roads Policy.

BACKGROUND:

Council resolved at its Ordinary Meeting held on 25 February 2010 (Resolution 8346) the following:

“That Council further investigate all options with land owners who request dedicated access to their properties in consultation with the land owners, DEC, SLS, appropriate Minister of Crown and any other government departments involved in the process with an aim to resolving recommendations 1 to 8 as soon as possible.

That Council further reviews Policy ADM 15 Dedication of Road Access to eliminate errors and seek clarification regarding procedure.”

The draft policy has been refined in order to provide Council with a basis on which to allow consideration of all future requests for dedication of roads within the district, while allowing the existing applications before Council to proceed to their individual conclusions. An update on existing applications is provided in Council’s Information Report up to 19 August 2010.

COMMENT:

At the Ordinary Meeting of Council held on the 25 February 2010 Council resolved (refer Minute 8346 above) not to adopt the proposed Draft Local Planning Policy LPP 015 Dedication of Roads Policy for the purposes of advertising. It is understood that Councillors were not sure the draft policy adequately addressed issues associated with applications already requested and previously supported by Council.

The draft policy has been amended and is resubmitted in accordance with the second paragraph of the Council resolution 8346 above. To ensure that progress on all existing applications for road dedications are not impeded by the proposed policy, the draft policy has had an additional clause inserted stating that the policy is not retrospective and only applies to new applications for the dedication of road access.

STATUTORY ENVIRONMENT:

Shire of Nannup Local Planning Scheme # 3 Clause 2.4 and Local Government Act 1995 s2.7.

POLICY IMPLICATIONS:

The Draft Local Planning Policy 015 Dedication of Roads Policy is a new policy submitted for Council's consideration. The policy is intended to provide guidance on the assessment of any future requests received for road dedications.

FINANCIAL IMPLICATIONS:

Minor cost in advertising the proposed policy.

STRATEGIC IMPLICATIONS:

Council's adopted Forward Plan notes Action item 10.2 (B) as "*addressing outstanding road closure/dedication issues*". Very much related, this proposed policy is integral to ensure that Council does not create any further outstanding road closure/dedication issues by invoking an appropriate policy to deal with such matters in the future.

RECOMMENDATION:

That Council adopts draft LPP 015 Dedication of Roads Policy for the purpose of advertising for public comment for a period of 14 days in accordance with the provisions of the Shire of Nannup Local Planning Scheme # 3.

VOTING REQUIREMENTS:

**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**



Policy Number:	LPP.015
Policy Type:	Local Planning policy
Policy Name:	Dedication of Road Access Policy
Policy Owner:	Manager Development Services

Authority:

Local Government Act 1995
 Land Administration Act 1997 s 56 (1)
 Shire of Nannup Local Planning Scheme No.3

Objectives:

1. To outline the criteria to guide Council when considering applications from members of the public, government agencies or elected members to dedicate road access to privately owned land;
2. To determine the road safety standard required for any proposed dedicated road to be constructed or upgraded to achieve;
3. To clearly define the Council's responsibility and obligations in regard to any proposed road dedication in respect to future road construction/upgrade timeframes and subsequent maintenance frequency; and
4. To determine whether any costs associated with future construction/upgrading are to be met by the landowner/s, other bodies or by Council (or a combination of some or all), and the extent of any such contribution.

Background:

The Shire of Nannup has numerous un-dedicated tracks that have been used to gain access to private property through areas of State Forest or other Crown reserves. These tracks are little more than narrow tracks that have not been properly designed or constructed to contemporary road construction standards and often have been used as firebreaks or fire access tracks by the Department of Environment and Conservation (DEC) in the past.

There are also situations within the Shire of Nannup where road access has been provided to privately owned land by way of a "right of carriageway" easement through crown land negotiated between the private landowner and (usually) the Executive Director DEC (previously the Conservator of Forests, Forests Department or the Executive Director Department of Conservation and Land Management).

These "rights of carriageway" or "private roads" entitled landholders access through areas of State Forest or crown land under the control of DEC. A "right of carriageway" does not always constitute a public road therefore access is technically restricted to the landowner named in the easement.



There are also instances within the Shire of Nannup where a road reserve has been created to service private land however the reserve is isolated from a dedicated and constructed road either by other private lands or by crown reserves either managed by Council or DEC.

Policy Statement

1. Council Involvement in the Dedication Process:

a. Council will not become involved with any request for the dedication of an access track other than when associated with realignment, closure or extension to an existing dedicated road reserve.

b. Council will only give consideration to an application for the dedication of a track/access as a "road" when the following conditions have been met:

1. The proponent/s provides written agreement from all affected landowners/land managers agreeing to the proposal; and

2. All landowners that the proposed dedicated road will benefit, have agreed to pay all costs incurred during the dedication process including:

- a. costs incurred to have prepared a Risk Assessment Report of the proposed road dedication to determine the required design required to ensure that the road will be safe for the public to use if dedicated;
- b. costs associated with the subdivision/amalgamation of private land ceded to create the road reserve;
- c. costs associated with compensation for land ceded; and
- d. costs associated with undertaking the survey and lodgement of survey documents with the Department of Regional Development and Land Services for registering the new dedicated road.;

3. All landowners provide Council with a written agreement that all upgrading/construction costs required to meet the safety requirements identified as a result of the Risk Assessment Report will be met by the landowners in full.

2. Landholder Responsibility: Where a property is not serviced by a dedicated road access, all costs incurred to maintain access remains the responsibility of the respective landowner and Council will not provide any assistance for maintenance or upgrading unless the landowner engages the services of Council under a "Private Works" contractor basis and pays the full cost of any such work. Where the access track traverses DEC lands any maintenance works undertaken by Council will be in accordance with Council's Policy WRK.8 Maintenance of CALM Access Tracks.



3. "Public Good" Road Dedications: Council will only progress an application for dedicated road access when Council is of the opinion that is a "public good" in the following circumstances:
 - a. When the proposal is in accordance with Council's Local Planning Scheme No3 and Local Planning Strategy; and
 - b. The proposal will result in the improvement of Council's road infrastructure; and
 - c. The proposal will be of benefit to the wider community and meet community requirements under the Scheme or Strategy.

4. This policy is not retrospective and will only apply to all new requests for the dedication of road access from the date of adoption unless otherwise determined by Council.

Related Policies:	WKS.8 Maintenance of CALM Access Tracks
Related Procedures/ Documents	LPP.015.1 Dedication of Road Procedure (to be developed once policy adopted)
Delegation Level:	Nil
Adopted:	
Reviewed:	

AGENDA NUMBER: 10.5
SUBJECT: Proposal to Dedicate Road Reserve linking Gold Gully Road to Unnamed Road Reserve No 8681
LOCATION/ADDRESS: State Forest No 25
NAME OF APPLICANT:
FILE REFERENCE: WRK 30
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 17 August 2010

Attachments: 1. Location Plan.
 2. Letter from Department of Environment and Conservation.

BACKGROUND:

Council resolved on 25 October 2007 the following:

“That Council dedicate a 15 metre road reserve that links the western terminus of the unnamed road reserve # 8681 (that fronts Nelson Location 11174 and Lot 1) to Gold Gully Road as per the attachment.”

Reviewing a number of outstanding road dedication issues has seen this matter updated and further progressed.

COMMENT:

Nelson Location 11174 and Lot 1 owned by Mr Victor and Mrs Joan Lorkiewicz has been identified as having frontage to a gazetted road reserve that does not link with the local road network as per the attachment.

This issue was brought up by Mr Lorkiewicz in 2007 in relation to locating survey for the purpose of renewing boundary fencing in the area and options for land uses for these properties. At this time Council commenced the road dedication process to link the western terminus of unnamed road reserve # 8681 to Gold Gully Road. This action was subject to agreement by the Department of Environment and Conservation (DEC) as a portion of the proposed road reserve would have to be excised from State Forest.

The Department of Environment and Conservation have advised that they do not agree to the proposal for the linking road dedication believing the landowner should negotiate with neighbours to achieve the road link required.

Council is therefore not in as position to facilitate any further action on this matter and therefore should rescind resolution #7808 passed at the 25th October 2007 Ordinary Meeting. Unfortunately Council resolution #7808 was quite definitive in

its action and therefore was poorly worded given that the action could not proceed without the agreement of a third party.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council rescind resolution #7808 passed at its meeting held 25 October 2007.

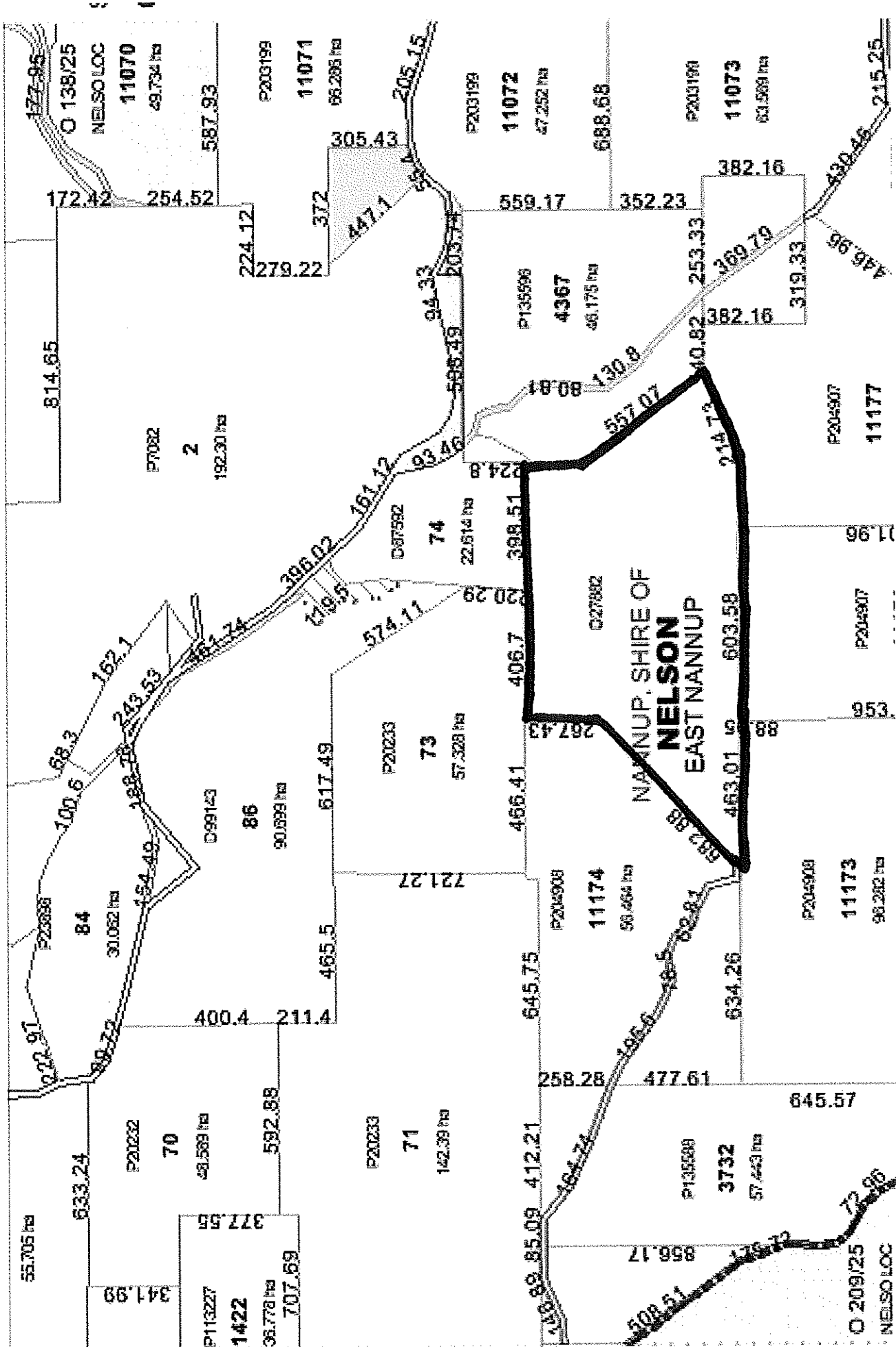
"That Council dedicate a 15 metre road reserve that links the western terminus of the unnamed road reserve # 8681 (that fronts Nelson Location 11174 and Lot 1) to Gold Gully Road as per the attachment."

VOTING REQUIREMENTS:

Absolute Majority Vote (5) required for rescission motion.

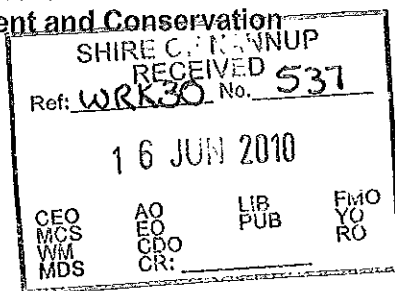


**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**





Government of Western Australia
Department of Environment and Conservation



Your ref: WRK30
Our ref: 2008/000816
Enquiries: Brad Commins
Phone: 08 9752 5555
Fax: 08 9752 1432
Email: blackwood@dec.wa.gov.au

Chief Executive Officer
Shire of Nannup
Adam Street
NANNUP WA 6275

Attention: Ewen Ross

Dear Ewen

PROPOSED ROAD DEDICATIONS THROUGH DEPARTMENT OF ENVIRONMENT AND CONSERVATION (DEC) MANAGED LANDS

Thank you for your letter of 8 March 2010 concerning requests to address access issues to private property in the Shire of Nannup. The locations identified in your correspondence have been assessed and I offer the following comments on each proposal.

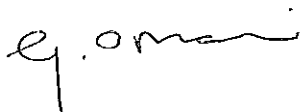
1. **Agg Road.** This is a long running issue dating back several decades. DEC has no objections to the proposal as it affects land for which the DEC has responsibility.
2. **Poison Swamp Road.** DEC has no objection to the proposal as presented in your correspondence. The Department would request that the indicated dedicated road reserve (on your attached map) be closed and incorporated into the adjoining State Forest in exchange for the new dedicated road.
3. **Nelson Locations 3505 and 283 Vasse Highway.** DEC has no objection to the creation of a dedicated access to Nelson locations 3505 and 283. The indicated route for the proposed access is not supported. The route that has been supported by DEC and articulated to the Shire should follow the southern boundary of Nelson location 3505 not as indicated on your plan. The Shire proposal would result in an isolated parcel of State Forest between the proposed road and location 3505 which is not desirable for management purposes.
4. **Nelson Location 490 Vasse Highway.** DEC has no objection to the proposal as presented in your correspondence.
5. **Nelson location 3898.** DEC has no objection to the proposal as presented which would formalize the existing gravel road access. DEC requests that the adjoining reserve R1401 be incorporated into the State Forest surrounding location 3898 to offset the loss of conservation reserve resulting from this proposal and the others agreed to by DEC.

- 6. Location 6790.** DEC accepts that there is no other feasible option to provide formal access to location 6790. The proposal as presented will isolate a small parcel of State Forest 28 which is not desirable for management purposes. To address this undesirable outcome of the access proposal as presented DEC proposes that:
- A) The cross over as indicated be created
 - B) The Shire establish a formal road truncation immediately west of the proposed cross over to join the two indicated road reserves
 - C) The road reserve (UCL 13788) that traverses the southern boundary of location 6790 to the east and intersects Barrabup road to be incorporated into State Forest 28.
- 7. Linking of Unnamed road to Gold Gully road to Nelson location 11174 and Lot 1.** DEC does not support this proposal. There does not appear to be any compelling case to support the alienation of conservation estate to facilitate this road establishment. DEC supports the Shire's position in that the landowner should negotiate with neighbours to achieve the road link required.
- 8. Mowen road dedication and nib to location 853.** DEC supports the proposal as presented. DEC requests that the indicated road reserve that traverses the northern boundary of location 853 and out to the west in State Forest 28 be incorporated into the conservation estate to offset the loss due to the excision of the Mowen road and nib.

All costs associated with the implementation of the proposals above should be borne by the Shire or private land holders.

If you have any questions concerning these matters please contact Mr Brad Commins at the Department's Busselton office.

Yours sincerely



Greg Mair

DISTRICT MANAGER

15 June 2010

WORKS & SERVICES

AGENDA NUMBER: 10.6
 SUBJECT: Fee Waiver - Nannup Flower and Garden Festival
 LOCATION/ADDRESS:
 NAME OF APPLICANT: Nannup Flower and Garden Association
 FILE REFERENCE: ASS 10
 AUTHOR: Chris Wade – Works Manager
 DISCLOSURE OF INTEREST:
 DATE OF REPORT: 16 August 2010

BACKGROUND:

The Nannup Flower and Garden Festival was held between 16th and 24th August 2010. Council at its July 2010 ordinary meeting resolved to waive the hire fees for the town hall.

COMMENT:

Since the above decision was made by Council a further request for fee waiver and logistical support for event set up and pack down has been received. The fee waiver request is for the hire of the temporary fencing council purchased earlier this year. The fee for this council equipment which includes transport, set up and pack down is \$25.45 per lineal metre. This event has already taken place and the fee has been paid due to the timing of the request in relation to Council's August meeting. If Council resolves to waiver the fee the amount in question will be refunded.

Council's support for the 2010 event included the following items:

Town Hall Hire fee	Waiver	\$400
Logistical support for marquees	Functions and events	\$800
Tables and chairs delivery	Functions and events	\$300
Bins and rubbish pick up	Functions and events	\$250
Admin/office support		\$300

Plus the normal efforts that Council itself puts towards the festival including the tulips, daffodils and general gardening.

The Festival have requested 7.2m of fencing which has a hire a value of \$183.24. As the fencing is council equipment it is required to be erected by Council employees. The fencing is both difficult to transport and labour intensive to erect.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

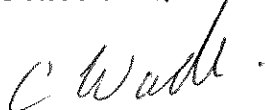
If the officers recommendation is supported an income will be realised of \$183.24 for private works, however if the recommendation is not supported Council will have to refund \$183.24 to the Nannup Flower and Garden Festival.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS

1. That Council inform the Nannup Flower and Garden Association that the fee of \$183.24 already received for the hire of the temporary fencing is as set by Council's Fees and Charges 2010/11.
2. That Council advise the Nannup Flower and Garden Association that all requests for fee waivers, concessions or event support should be grouped together and received in a timely manner by way of Community Group Grant, which generally close in April each year, and refer to the following year's budget period when the event is held.

VOTING REQUIREMENTS:



**CHRIS WADE
WORKS MANAGER**

FINANCE & **ADMINISTRATION**

AGENDA NUMBER: 10.7
SUBJECT: Policy Review Council Meeting Procedure
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 5
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 3 August 2010

Attachment: Current Council Policy ADM 8.

BACKGROUND:

Business transacted at Council meetings is per Council policy ADM 8 (Attachment 1). With the introduction of Standing Orders this policy requires reviewing with the majority of the policy being deleted as it will be covered by Council's Standing Orders Local Law.

As indicated at the July 2010 Information Session there is presently a conflict between the Order of Business of Council as contained in policy ADM 8 and Council's recently adopted Standing Orders Local Law.

COMMENT:

1. Order of Business (for Ordinary Meetings of Council)

Council Policy ADM 8 states:

1. *Declaration of Opening/Announcement of Visitors*
2. *Record of Attendance/Apologies/Leave of Absence (previously approved)*
3. *Response to previous Public Questions Taken on Notice*
4. *Public Question time*
5. *Applications for Leave of Absence*
6. *Petitions/Deputations/Presentations*
7. *Confirmation of Minutes of Previous Meetings*
8. *Announcement by Presiding Member without Discussion*
9. *Reports by Members Attending Committees*
10. *Reports of Officers*

11. *New Business of an Urgent Nature introduced by a Decision of the Meeting*
12. *Elected Members Motions of Which Previous Notice has been Given*
13. *Questions by Members of which Due Notice has been Given*
14. *Closure*

Council's Standing Orders Local Law lists business as follows:

Unless otherwise decided by the Council the order of business at an ordinary meeting of the Council is to be as follows -

- (a) *declaration of opening;*
- (b) *apologies;*
- (c) *question time for the public;*
- (d) *members on leave of absence and applications for leave of absence;*
- (e) *confirmation of minutes;*
- (f) *announcements by the Shire President;*
- (g) *disclosure of members' interests;*
- (h) *questions by members of which due notice has been given;*
- (i) *correspondence;*
- (j) *petitions;*
- (k) *matters for which the meeting may be closed;*
- (l) *reports;*
- (m) *motions of which previous notice has been given;*
- (n) *urgent business;*
- (o) *closure.*

The Standing Orders Local Law takes precedent, however there is the qualification at the start of the clause in the Standing Orders (underlined above) which gives Council the authority to decide if it wishes to alter the business to be transacted or the order. It is recommended that the current format for business to be transacted and the order remain as is, that being per current policy ADM 8.

Reasons are as follows:

The Standing Orders Local Law clause (i) notes correspondence. This refers to correspondence which accompanies an agenda item, not correspondence in general. If Council wishes to continue with the present format whereby correspondence relating to an agenda item is dealt with as part of the item, normally in the form of an attachment, then "correspondence" as a separate heading should be removed.

The Standing Orders Local Law contains no provision for "Reports by Members Attending Committees". If Council feel that this matter should remain as part of the Council agenda then it will need to be included. There was some discussion at the July Information Session that this matter could be dealt with during the

Information Session. It could be considered however that a key part of a Councillors role is to represent the community and a brief notation during the formal and normal public Council meeting on meeting attendance adds value and is good practice in so far as constituent representation is concerned.

The Standing Orders Local Law clauses (g) and (k) are generally dealt with at the time a report is considered. This works well and there appears to be no apparent reason to change this practice. Other matters contained in the Standing Orders Local Law Order Business to be transacted are similar to that contained in current policy ADM 8, just in a different order on occasions.

Hence the recommendation is to retain the present items of business and order of business and Council can do this by virtue of the flexibility contained in its Standing Orders Local Law.

2. Questions by Members of which Due Notice has been Given.

Council Policy ADM 8 states:

1. *A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.*
2. *If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.*
3. *Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the person presiding.*
4. *Questions shall not relate to day to day operational issues of the Shire, ie. future works, request for maintenance etc.*

This section of the policy is no longer relevant as it is superseded by clause 4.7 of Council's Standing Orders Local Law.

3. Public Question Time

Council Policy ADM 8 states:

1. *A member of the public who raises a question during question time is to state his or her name and address.*
2. *A question may be taken on notice by the Council or committee for later response.*

3. *When a question is taken on notice under sub-clause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.*
4. *Subject to the requirements of the Act and Regulations, it shall be the prerogative of the person presiding over the meeting to determine:*
 - i) *The length of Public Question Time*
 - ii) *The order in which questions may be asked*
5. *No person may ask more than one question, until all others wishing to ask a question have had the opportunity to do so first.*

This section of the policy is no longer relevant as it is superseded by clause 5.7 of Council's Standing Orders Local Law.

4. Petitions/Deputations/Presentations

Council Policy ADM 8 states:

A Petition/Deputation/Presentation shall be sanctioned by the Shire President or Acting Shire President and is not to be unreasonably refused.

Council's Standing Orders Local Law covers petitions in clause 4.9.

Interestingly there is no mention of deputations in the Standing Orders Local in reference to Council meetings either in the text of the local law or in the Order of Business to be transacted. There is mention of deputations in respect of Committee meetings (Clause 5.9) and hence it is taken that the Standing Orders Local Law does not condone deputations direct to Council.

As Council members would be aware this Council has been very open in receiving deputations/presentations direct to Council. This form of public participation is encouraged particularly in a small community and sends a strong inclusiveness message in the way that Council operates. Therefore it is recommended that the deputations/presentations part of policy ADM 8 remain with only the reference to petitions being removed.

5. Confidentiality of Information Withheld

Council Policy ADM 8 states:

1. *Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be marked "confidential" in the agenda provided to members of the Council or committee.*

2. *A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties*
3. *A copy of all information withheld under this policy shall be kept in a separate Minute Book provided specifically for this purpose.*

This section of the policy is no longer relevant as it is superseded by clause 5.13 of Council's Standing Orders Local Law.

6. Agenda Delivery

Council Policy ADM 8 states:

Council agendas are to be delivered on the Friday prior to the forthcoming week in which the Council meeting is to be held.

This section of the policy remains relevant and is not covered in the Standing Orders Local Law.

7. Provision of Meeting Minutes

Council Policy ADM 8 states:

Council documents including all meeting minutes and agendas are to be made available from Council's website as soon as they are publically available.

This section of the policy remains relevant and is not covered in the Standing Orders Local Law.

STATUTORY ENVIRONMENT:

Shire of Nannup Standing Orders Local Law 2010.

POLICY IMPLICATIONS: Amendment to policy ADM 8 recommended.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council review/amend policy ADM 8 as follows:

Council Meeting Procedure

ADM 8

This policy is to be read in conjunction with the Shire of Nannup Standing Orders Local Law 2010 and where there is any inconsistency the Standing Orders local Law prevails.

Order of Business (for Ordinary Meetings of Council)

1. Declaration of Opening/Announcement of Visitors
2. Record of Attendance/Apologies/Leave of Absence (previously approved)
3. Response to previous Public Questions Taken on Notice
4. Public Question time
5. Applications for Leave of Absence
6. Petitions/Deputations/Presentations
7. Confirmation of Minutes of Previous Meetings
8. Announcement by Presiding Member without Discussion
9. Reports by Members Attending Committees
10. Reports of Officers
11. New Business of an Urgent Nature introduced by a Decision of the Meeting
12. Elected Members Motions of Which Previous Notice has been Given
13. Questions by Members of which Due Notice has been Given
14. Closure

Deputations and Presentations

A Deputation or Presentation to a Council meeting shall be sanctioned by the Shire President or Acting Shire President and is not to be unreasonably refused.

Agenda Delivery

Council agendas are to be delivered on the Friday prior to the forthcoming week in which the Council meeting is to be held.

Provision of Meeting Minutes

Council documents including all meeting minutes and agendas are to be made available from Council's website as soon as they are publically available.

Policy Adopted at a Council Meeting 27 February 1997.
Policy Reviewed at a Council Meeting 25 September 1997.
Policy Reviewed at a Council Meeting 27 November 1997.
Policy Reviewed at a Council Meeting 28 May 1998.
Policy Reviewed at a Council Meeting 23 September 1999.
Policy Reviewed at a Council Meeting 22 February 2001.
Policy Reviewed at a Council Meeting 22 March 2001.
Policy Reviewed at a Council Meeting 24 August 2006.
Policy Reviewed at a Council Meeting 28 January 2010.
Policy Reviewed at a Council Meeting 26 August 2010.

VOTING REQUIREMENTS:



SHANE COLLIE
CHIEF EXECUTIVE OFFICER

Council Meeting Procedure

ADM 8

Purpose:

The purpose of this policy is to provide for the order in which the business before the Council will be dealt with and how matters of urgency and questions from members and the public shall be dealt with.

1. Order of Business (for Ordinary Meetings of Council)

1. Declaration of Opening/Announcement of Visitors
2. Record of Attendance/Apologies/Leave of Absence (previously approved)
3. Response to previous Public Questions Taken on Notice
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7. Confirmation of Minutes of Previous Meetings
8. Announcement by Presiding Member without Discussion
9. Reports by Members Attending Committees
10. Reports of Officers
11. New Business of an Urgent Nature introduced by a Decision of the Meeting
12. Elected Members Motions of Which Previous Notice has been Given
13. Questions by Members of which Due Notice has been Given
14. Closure

2. Questions by Members of which Due Notice has been Given.

1. A question on notice is to be given by a member in writing to the CEO at least four (4) clear working days before the meeting at which it is raised.
2. If the question referred to in subclause (1) is in order, the answer is, so far as is practicable, to be included in written form in the agenda of the meeting, or otherwise tabled at that meeting.
3. Every question and answer is to be submitted as briefly and concisely as possible and no discussion is to be allowed thereon, unless with the consent of the person presiding.
4. Questions shall not relate to day to day operational issues of the Shire, ie. future works, request for maintenance etc.

3. Public Question Time

1. A member of the public who raises a question during question time is to state his or her name and address.
2. A question may be taken on notice by the Council or committee for later response.
3. When a question is taken on notice under sub-clause (2) a response is to be given to the member of the public in writing by the CEO, and a copy is to be included in the agenda of the next meeting of the Council or committee as the case requires.
4. Subject to the requirements of the Act and Regulations, it shall be the prerogative of the person presiding over the meeting to determine:
 - i) The length of Public Question Time
 - ii) The order in which questions may be asked
5. No person may ask more than one question, until all others wishing to ask a question have had the opportunity to do so first.

4. Petitions/Deputations/Presentations

A Petition/Deputation/Presentation shall be sanctioned by the Shire President or Acting Shire President and is not to be unreasonably refused.

5. Confidentiality of Information Withheld

1. Information withheld by the CEO from members of the public under Regulation 14.2, of the Regulations, is to be marked "confidential" in the agenda provided to members of the Council or committee.
2. A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties
3. A copy of all information withheld under this policy shall be kept in a separate Minute Book provided specifically for this purpose.

6. Agenda Delivery

Council agendas are to be delivered on the Friday prior to the forthcoming week in which the Council meeting is to be held.

7. Provision of Meeting Minutes

Council documents including all meeting minutes and agendas are to be made available from Council's website as soon as they are publically available.

Policy Adopted at a Council Meeting 27 February 1997.
Policy Reviewed at a Council Meeting 25 September 1997.
Policy Reviewed at a Council Meeting 27 November 1997.
Policy Reviewed at a Council Meeting 28 May 1998.
Policy Reviewed at a Council Meeting 23 September 1999.
Policy Reviewed at a Council Meeting 22 February 2001.
Policy Reviewed at a Council Meeting 22 March 2001.
Policy Reviewed at a Council Meeting 24 August 2006.
Policy Reviewed at a Council Meeting 28 January 2010.

<p>AGENDA NUMBER: 10.8 SUBJECT: Delegations of Authority Review LOCATION/ADDRESS: NAME OF APPLICANT: FILE REFERENCE: ADM 22 AUTHOR: Shane Collie –Chief Executive Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 4 August 2010</p>
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Attachments: 1. Current Delegation Register – Separate Cover.
 2. Updated Delegation Register – Separate Cover.

BACKGROUND:

The Local Government Act 1995 enables Council to delegate many of its functions and powers under the Act to officers and committees for the purpose of facilitating the smooth running of Council's operations.

The Local Government Act 1995 Section 5.18 for committees and 5.46 (2) for officers states that a local government is to review its delegations to committees and officers respectively at least once every financial year. The most recent review was November 2008 hence absolute compliance was not achieved for the 2009/10 financial year.

The review for the 2010/11 financial year can occur by virtue of this agenda item. A number of changes are recommended mainly to improve the clarity of delegations.

COMMENT:

Current Council delegations are as follows:

DELEGATIONS TO CHIEF EXECUTIVE OFFICER

<u>Delegation No</u>	<u>Subject</u>
1	Enforcement and Legal Proceedings
2	Tenders
3	Impounding Goods
4	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
5	Local Laws
6	Executive Functions – Duties
7	Certain Things to be Done in Respect of Land
8	Power of Entry
9	Register of Delegations to Committees

10	Annual Report
11	Forward Plan
12	Copies of Information
13	Council and Committee Meetings
14	Public Inspection of Documents Relating to Council Meetings
15	Creditors – Payment of
16	Rate Book
17	Financial Reports
18	Trust Fund
19	Investments
20	Payment of Accounts
21	Expenditure before Adoption of Budget
22	Temporary Closure of Thoroughfares to Vehicles
23	Gates Across Public Thoroughfare
24	Dangerous Excavation in or near Public Thoroughfare
25	Crossovers
26	Public Thoroughfares – Fixing Or Altering Levels Or Alignments Or Drainage onto Adjoining Land
27	Public Thoroughfares – Public Use
28	Buildings – Issue of Section 401 Notices
29	Buildings – Removal of Neglected and Dilapidated
30	Works – Unlawful
31	Buildings – Dangerous
32	License to Deposit Materials on or Excavate Adjacent to a Street
33	Award/Industrial Matters
34	Legal Advice
35	Contract Variations
36	Native Title
37	Telephones (Private) – Use by Employees for Council business
38	Appointment of Consultants
39	Insurance – Public Liability Claims
40	Surplus Equipment, Materials, Tools etc
41	Conferences/Seminars/Training Courses – Expenses of Councillors and Staff
42	Budget Expenditure
43	Grants and Subsidies
44	Staff – Conferences, Seminars and Training Courses
45	Staff Housing
46	
47	Events on Roads
48	STRATA Titles
49	Building License Fees – Refunds and Exemptions
50	Offences – Bush Fires Act
51	Dog Act

52	Street Appeals
53	Execution of Documents
54	Donations
55	Liquor, Sale or Consumption – Council Property
56	Hall Hire
57	Contractors – Use on Works
58	Street Trees - Removal
59	Signs and Hoardings
60	Council Resources for Wild Fire Control
61	Study Leave
62	Street Stalls – Market Days
63	Overflow Camping Areas
64	Disposal of Verge Timber
65	Management of Roadside Vegetation
66	Use of Shire Of Nannup Corporate Identity
67	Power Dinghy Racing Boat Club Event
68	Alternative Fire Breaks
69	Street Banners
70	Use/Hire of Community Facilities
71	Write Off of Debts

DELEGATIONS TO OFFICERS OTHER THAN THE CEO

101	Demolition Licenses
102	Building – Extension of Time to Complete
103	Building Licenses
104	Certificates of Classification
105	Planning (Development Applications) of a minor nature
106	Health Act Parts V to IX
107	Setback and Building Envelope Variations

DELEGATIONS TO NON COUNCIL OFFICERS

201	Burning – Prohibited and Restricted Times (Variations)
202	Suspension of Prohibited Burning Period

DELEGATIONS TO COMMITTEES

301	Functions and Events Advisory Committee
-----	---

Rather than laboriously go through each and every delegation this review takes into account two principles:

1. Where there is a global change recommended it is carried through the entire document.
2. Where there is a specific delegation that needs individual review it is noted and submitted as a separate recommendation. There are not many of these.

Initially as per point 1 above the following global changes are recommended:

- Where there is cross reference to a Council Policy this is noted in the delegation. A future item will be presented to Council which will include the reverse, to note in each policy where a delegation is applicable.
- Where there is a change in file reference or the method of recording the exercising of a power of delegation this has been noted in the delegation.
- Where a delegation is delegated further from the Chief Executive Officer to a subordinate officer this is noted in the delegation. This amends some headings in the table of contents and delegation numbers. Advice from the Department of Local Government on this point has been received as follows which again seeks to clarify the point:

"Once council has delegated a function or duty to the CEO, if the legislation allows, you can on delegate it to any other officer. The Local Government Act does allow functions and duties to be on-delegated by the CEO. All that is required is a record of your decision to on-delegate. So if you keep a record in your delegation register of when Council makes its decision to delegate to you, (CEO) you need to create a further record of your decision in the same register. Your delegation to the other officer also need to be in writing and clearly state the extent of the authority you are giving."

Specific changes to delegations recommended are as follows:

DELEGATION 22 – TEMPORARY CLOSURE OF THOROUGHFARES TO VEHICLES

The relevant sections of the Local Government Act have been amended and the delegation must therefore be amended also. The intent of the delegation does not change and the specific wording can be tracked by comparing attachments 1 and 2 to this report.

DELEGATION 46 – SUSPENSION OF PROHIBITED BURNING PERIOD

A numbering issue where prior delegation 202 becomes delegation 46.

DELEGATION 47 – EVENTS ON ROADS

The delegation is deleted as it is covered by delegation 22.
Prior delegation 201 becomes delegation 47.

DELEGATION 70 – USE/HIRE OF COMMUNITY FACILITIES

This delegation was revoked by Council at its meeting held 22 July 2010.
Prior delegation 101 becomes delegation 70.

DELEGATION 102 – BUILDING – EXTENSION OF TIME TO COMPLETE

A numbering issue where prior delegation 102 becomes delegation 73.

DELEGATION 103 – BUILDING LICENSES

A numbering issue where prior delegation 103 becomes delegation 74.

DELEGATION 104 – CERTIFICATES OF CLASSIFICATION

A numbering issue where prior delegation 104 becomes delegation 75.

DELEGATION 105 – PLANNING (DEVELOPMENT APPLICATIONS) OF A MINOR NATURE

A numbering issue where prior delegation 105 becomes delegation 76.

DELEGATION 106 – HEALTH ACT PARTS V TO IX

A numbering issue where prior delegation 106 becomes delegation 77.

DELEGATION 107 – SETBACKS AND BUILDING ENVELOPES

A numbering issue where prior delegation 107 becomes delegation 78.

DELEGATION 301 – CITIZENSHIP AWARDS

This delegation is deleted as the committee that the function is delegated to no longer exists.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 5.18 for committees and 5.46 (2) for officers. Both of these clauses state that a local government is to review its delegations to committees and officers respectively at least once every financial year. The present review satisfies that requirement for 2010/11.

POLICY IMPLICATIONS:

Where there is cross reference to a delegation from a Council Policy the delegation is noted as such.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That pursuant to Section 5.42 of the Local Government Act 1995 Council reaffirm the following delegations as noted per Attachment 2:

Delegation No Subject

1	Enforcement and Legal Proceedings
2	Tenders
3	Impounding Goods
4	Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
5	Local Laws
6	Executive Functions – Duties
7	Certain Things to be Done in Respect of Land
8	Power of Entry
9	Register of Delegations to Committees
10	Annual Report
11	Forward Plan
12	Copies of Information
13	Council and Committee Meetings
14	Public Inspection of Documents Relating to Council Meetings
15	Creditors – Payment of
16	Rate Book
17	Financial Reports
18	Trust Fund
19	Investments
20	Payment of Accounts

Delegation No Subject

21	Expenditure before Adoption of Budget
22	Temporary Closure of Thoroughfares to Vehicles
23	Gates Across Public Thoroughfare
24	Dangerous Excavation in or near Public Thoroughfare
25	Crossovers
26	Public Thoroughfares – Fixing Or Altering Levels Or Alignments Or Drainage onto Adjoining Land
27	Public Thoroughfares – Public Use
28	Buildings – Issue of Section 401 Notices
29	Buildings – Removal of Neglected and Dilapidated
30	Works – Unlawful
31	Buildings – Dangerous
32	License to Deposit Materials on or Excavate Adjacent to a Street
33	Award/Industrial Matters
34	Legal Advice
35	Contract Variations
36	Native Title
37	Telephones (Private) – Use by Employees for Council business
39	Appointment of Consultants
39	Insurance – Public Liability Claims
40	Surplus Equipment, Materials, Tools etc
41	Conferences/Seminars/Training Courses – Expenses of Councillors and Staff
42	Budget Expenditure
43	Grants and Subsidies
44	Staff – Conferences, Seminars and Training Courses
45	Staff Housing
46	Suspension of Prohibited Burning Period
47	Burning – Prohibited and Restricted Times (Variations)
48	STRATA Titles
49	Building License Fees – Refunds and Exemptions
50	Offences – Bush Fires Act
51	Dog Act
52	Street Appeals
53	Execution of Documents
54	Donations
55	Liquor, Sale or Consumption – Council Property
56	Hall Hire
57	Contractors – Use on Works

Delegation No Subject

58	Street Trees - Removal
59	Signs and Hoardings
60	Council Resources for Wild Fire Control
61	Study Leave
62	Street Stalls – Market Days
63	Overflow Camping Areas
64	Disposal of Verge Timber
65	Management of Roadside Vegetation
66	Use of Shire Of Nannup Corporate Identity
67	Power Dinghy Racing Boat Club Event
68	Alternative Fire Breaks
69	Street Banners
70	Demolition Licenses
71	Write Off of Debts
72	Extension of Council endorsed Leases or MOU's
73	Building – Extension of Time to Complete
74	Building Licenses
75	Certificates of Classification
76	Planning (Development Applications) of a minor nature
77	Health Act Parts V to IX
78	Setback and Building Envelope Variations

VOTING REQUIREMENTS:

**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

AGENDA NUMBER: 10.9
SUBJECT: Standing Orders Amendment Local Law
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: ADM 5
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 18 August 2010

Attachment: Letter from Joint Standing Committee on Delegated Legislation.

BACKGROUND:

Council members would at its meeting of 25 February 2010 Council resolved to “make” the Shire of Nannup Standing Orders Local Law. The process after this resolution was largely outside of Council’s control, however includes forwarding the local law to the Joint Standing Committee on Delegated Legislation.

This is normally a procedural issue with that committee checking the local law and advising of any concerns or legislative issues. Unfortunately some issues were picked up by this committee and these were advised to Council in the form of a letter and agenda item 24 June 2010.

COMMENT:

The result of Council’s deliberations 24 June 2010 on this matter was the following resolution:

“That Council:

1. *Advertises the intention to make a Standing Orders Amendment Local Law, the purpose of which is to amend the Standing Orders Local Law 2010 to conduct orderly meetings of the Council or committees, with the effect being effective and fair local government decisions by the Council.*
2. *The specifics of the amendment to be:*
 - 2.1. *Repealing subclause 7.12(3) from the Shire of Nannup Standing Orders Local Law 2010;*
 - 2.2. *Deleting the words “that meeting” after the words “part in” and inserting the words “the debate of the item” in clause 8.4 of the Shire of Nannup Standing Orders Local Law 2010; an*
 - 2.3. *Amending clause 15.7 of the Shire of Nannup Standing Orders Local Law 2010 to read “Any person guilty of any breach of the Standing Orders or*

any of the provisions thereof, shall be liable to a penalty not exceeding \$1,000.00.

3. *Undertake that the amendments will be made within six months.*
4. *Undertake that the problematic clauses as detailed in recommendation 2 will not be enforced in the interim."*

While it is somewhat disappointing and bureaucratic having to amend the local law so soon after its introduction (particularly when it was drafted in conjunction with the Department of Local Government) there is little option if Council wishes to have the local law formally recognised as legislation.

Hence the resolution of Council in June 2010 above commenced the local law amendment process and a further resolution of Council is required to conclude it. Advertising per Section 3.12 of the Local Government Act 1995 has occurred 3 July 2010 closing 16 August 2010. No submissions of the proposed Standing Order Amendment Local Law were received.

Hence Council is advised to formally "make" the Standing Orders Amendment Local Law which will then be advertised by Local Public Notice, gazetted and finalised with the Minister for local Government and the Joint Standing Committee on Delegated Legislation.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 3.12 (4) states that in making a local law Council must do so by Absolute Majority and it must not be significantly different to that proposed and advertised. (There is no difference in this instance).

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Minor advertising costs including gazettal.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council formally make the Shire of Nannup Standing Orders Amendment Local Law 2010 as follows by:

- 4.1. *Repealing subclause 7.12(3) from the Shire of Nannup Standing Orders Local Law 2010;*
- 4.2. *Deleting the words "that meeting" after the words "part in" and inserting the words "the debate of the item" in clause 8.4 of the Shire of Nannup Standing Orders Local Law 2010; an*

4.3. Amending clause 15.7 of the Shire of Nannup Standing Orders Local Law 2010 to read "Any person guilty of any breach of the Standing Orders or any of the provisions thereof, shall be liable to a penalty not exceeding \$1,000.00.

VOTING REQUIREMENTS:

Absolute Majority Local Government Act 1995 Section 3.12 (4).



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**



SHIR	RECEIVED	NUP
Ref: ADM5	No. 10	
11 AUG 2010		
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JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION

Your Ref: ADM5
Our Ref: 3835/19

Cr Barbara Dunnet
Shire President
Shire of Nannup
PO Box 11
NANNUP WA 6275

9 August 2010

By Fax: 9756 1275

Dear Madam

Shire of Nannup Standing Orders Local Law 2010

I refer to the above and to the letter from the Shire to the Committee dated 29 June 2010.

The Committee considered this letter at its meeting today and resolved to accept the undertakings provided. Accordingly, the Committee also agreed not to proceed with the disallowance motion.

I advise the Shire of the Committee's practice of grouping all local government undertakings together on the *Parliament of Western Australia* Internet site. This practice is a point of reference for other local governments and their advisers to ascertain systemic problems with a particular local law and what amendments the Committee has required a local government to make in order for the local law to be valid.

The Internet site may be viewed at www.parliament.wa.gov.au. Follow the links to *Committees*, then *Current Committees*, then *Delegated Legislation Committee*, then at *Committee Details*, scroll down to *Local Government Undertakings*.

If you have any queries, please telephone the Committee's Advisory Officer (Legal), Ms Felicity Mackie on 9222 7406.

Yours sincerely

Mr Joe Francis MLA

Chairman

Note that this document (including any attachments) is privileged. You should only use, disclose or copy the material if you are authorised by the Committee to do so. Please contact Committee staff if you have any queries.

AGENDA NUMBER: 10.10 SUBJECT: Request for Fee Waiver LOCATION/ADDRESS: Town Hall NAME OF APPLICANT: Ms Val Russell FILE REFERENCE: FNC 10 AUTHOR: Shane Collie – Chief Executive Officer DISCLOSURE OF INTEREST: DATE OF REPORT: 18 August 2010
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Attachment: Email Ms Val Russell 17 August 2010.

BACKGROUND:

Ms Val Russell writes to Council seeking a fee waiver for a Community Variety Night event at the Town Hall to be held 2 October 2010.

COMMENT:

The event is seeking to raise funds for the Riding for Disabled Group and a fee waiver is supported.

Previously Council had in place a policy and a delegation to the Chief Executive Officer where requests of this nature were dealt with without reference to Council if the request was genuinely community based and equivalent to a single hire occasion. That policy/delegation has been revoked hence the matter is referred to Council for a decision.

STATUTORY ENVIRONMENT:

Council has adopted a set of fees and charges for the hire of facilities per the Local Government Act 1995. Council has full discretion as to the imposition of fees and charges.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: \$48 in hire fees forgone.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council waive the hire fee for the once off event being a Community Variety Night to be held at the Nannup Town Hall on 2 October 2010.

VOTING REQUIREMENTS:

A handwritten signature in black ink, appearing to read 'Shane Collie', written in a cursive style.

**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

Shane Collie

From: Val [lav18@bigpond.com]
Sent: Tuesday, 17 August 2010 8:32 AM
To: ShireofNannup
Subject: Attention: Shane Collie

Re Hire of the Town Hall

Good morning, Shane

We are going to present a Community Variety Night on the 2nd October 2010 in order to raise funds for the Riding for Disabled Group. As the organiser I was wondering whether it would be possible for the council to:

(i) reduce the cost of the hall hire

or

(ii) waive the cost of the hall hire for this event.

I understand completely that the community needs to have a policy of "user pay" towards the upkeep of our buildings and will accept your decision without complaint.

We will need the Town Hall for 2 hours on the Friday to set up the seating and for (approximately) 5 hours on the actual performance date.

You should make this night a "Councillors Outing"!

Thank you for your kind attention to this matter.

Yours sincerely

Val Russell

AGENDA NUMBER: 10.11
SUBJECT: Royalties for Regions – Regional Projects
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: DEP 20
AUTHOR: Shane Collie – Chief Executive Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 18 August 2010

Attachment: Informal Meeting Notes – Perth 5 August 2010.

BACKGROUND:

Council resolved in February 2009 that the preferred regional body for the distribution of funds under the State Royalties for Regions Program (Country Local Government Fund) 2009/10 to 2011/12 was to be the Warren Blackwood Strategic Alliance.

Council subsequently resolved in June 2009 as follows:

"That Council formalise its request for Royalties for Regions funding through the regional body the Warren Blackwood Strategic Alliance for the years 2009/10, 2010/11 and 2011/12 as follows:

<i>Upgrade to Nannup Recreation Centre</i>	<i>\$417,250</i>
<i>Upgrade to Warren Road</i>	<i>\$400,000"</i>

This resolution was based on the financial data provided by the funding authority at the time, which has now changed. It remains unclear whether the 2009/10 regional allocation of \$211,880 is deferred/withdrawn. The remaining two years allocations are \$302,685 each. Total over the three years \$817,250.

The Warren Blackwood Strategic Alliance has not yet determined how it will allocate the regional funds and are facing operational issues itself with one shire withdrawing and executive support currently not available. At the time of writing (18 August 2010) a meeting has tentatively been scheduled for 26 August 2010 in Manjimup (morning) to discuss these issues. The outcome, if any, of that meeting may impact on this agenda item. An informal meeting on this matter was also held in Perth 5 August 2010 per Attachment 1.

As noted in Council's July 2010 Information Report it unfortunately appears that Council has created a situation where it has conflicting resolutions on its books in respect of the preference for the distribution of the regional funds. Council resolved in May 2010 to list the following items as regional priorities without reference to the June 2009 resolution, notwithstanding that some of the following priorities are the funding responsibility of other agencies/organisations:

- Vasse Highway – Upgrade and installation of overtaking lanes
- Dairy roads AMR and Nannup shires.
- Agrifood processing precinct
- Ageing population facilities
- Heavy industrial site.

It has reached the point where this matter needs to be addressed to enable Council representatives to adequately implement and/or lobby for the agreed upon Council position. With this conflict it has been determined that the original resolution remains in place and is Council's position.

This report seeks to clarify Council's position on this matter, particularly as there is significant potential for conflict in this regard. Additionally a separate pool of funding through the South West Development Commission is presently available to develop Business Cases for chosen projects. Unfortunately an unrealistic deadline was placed on this funding (27 August 2010) making it virtually impossible to make a submission. The deadline was originally December 2010 and notification on the altered deadline was received 6 August 2010.

Until such time as Council's position is confirmed no funding applications can be developed, nor work towards the development of projects occur except where there is existing Council direction to do such as the Recreation Centre.

COMMENT:

It is appropriate to analyse each of the projects contained in the Council resolutions of June 2009 and May 2010.

Upgrade to Nannup Recreation Centre

Council has resolutions to implement this project up to concept plan stage. It is reasonable to conclude that even though still at the planning stage Council is committed to this project and will consider the selection of an Architect at today's Council meeting.

Whether this project is considered truly "Regional" and would attract funds though the Regional component of the CLGF is unknown. Given that Council clearly supports the proposed upgrade, even with the final formal not yet determined, and has made a definitive decision to apply for regional funds, it is considered that this position should remain.

This is the most "ready" of all of Council's projects with it being anticipated that Council could be in a position to call tenders within approximately 6 months. If ranking the projects earmarked for Regional funds this would be # 1.

Upgrade to Warren Road

Very similar to the Recreation Centre in that it has been an initiative of Council for a number of years with reserve funds being set aside when able to be afforded. Again Council has a resolution to apply Regional funds to this project though it could be considered that it is not truly "Regional".

It would be appropriate to commence initial planning work for this project through the current South West Development Commission business case funding or even through Council's proposed Forward Capital Works Program. It would also be appropriate to apply for any balance of funding that may remain from the \$35,000 of CLGF Shire specific funding allocated to the production of Council's Forward Capital Works Program as noted elsewhere in today's agenda.

If ranking the projects earmarked for Regional funds this would be # 2.

Vasse Highway – Upgrade and installation of overtaking lanes

This project is a State responsibility. With Council having insufficient funds to meet its own local commitments it would seem financially unpalatable if Council was to consider funding State responsibilities. Yes Council could have a lobbying role and even a practical engineering one by pointing out where passing lanes are required and where upgrade works are needed.

If ranking the projects earmarked for Regional funds this project would not be ranked. Council direction on what resources could be allocated to a lobby effort or otherwise would provide direction in this regard.

Dairy roads AMR and Nannup shires.

The Shire of Augusta Margaret River initially commenced work on developing a background paper on this matter. They have subsequently advised that they do not wish to be the lead agency in preparing a submission for the "Dairy Roads".

The project presently sits in limbo with no clear direction as to how it would proceed. It is considered that Council did not envisage that it would be the lead agency in pushing for the "Dairy Roads" project. Aside from supporting another agency, in this case the Shire of Augusta Margaret River, in developing some form of submission, Council has not sanctioned any formal action on this project, particularly when it has a contrary resolution on its books.

Senior Officers of Council have met and have concerns at the "Dairy Roads" project. The concerns are as follows:

- It is not considered a truly "Regional" project. The project will not provide even the majority of residents in the Nannup Shire with benefit. The project appears to be more about holding the State to account for the impact it has had on the dairy industry through deregulation. This represents a lobby role for Council, if it so chooses, and is not a CLGF Regional funding issue.
- The traffic counts and road usage does not justify works.
- Council has resolved to be in a regional grouping to disburse regional funds. That regional grouping does not include Augusta Margaret River.

If Council was to endorse action on developing a submission for "Dairy Roads" clear direction would need to be given as to exactly what is being sought, what level of detail needs to go into any such submission and what budget Council wants to work up to in developing any submission. As stated above Council officers do not believe this project to be of a significant regional nature and allocating resources is considered to not be justified.

If ranking the projects earmarked for Regional funds this project would not be ranked. Council direction on what resources could be allocated to a lobby effort or otherwise would provide direction in this regard.

Agrifood processing precinct

Similar to other projects above if ranking the projects earmarked for Regional funds this project would not be ranked. The project is not a project that Council would normally be involved in funding however a lobby or support role would be appropriate.

Ageing population facilities

Council would likely be keen to participate in a Regional project involving identifying and planning for future Regional facilities for the aged. There has been no definitive planning undertaken in this area and it needs to be noted that aged facilities are generally the responsibility of either the Federal or State Governments or private enterprise.

If ranking the projects earmarked for Regional funds this project would not be ranked in terms of allocating any of the funds to be channelled through the Regional Group process, though it may be appropriate to allocate some funding as part of an overall regional study.

Heavy industrial site

Council would likely be keen to participate in a Regional project involving identifying and planning for a future Heavy Industrial site, along with future planning for this community's own needs. The two could be linked along with

other communities. Again a major initiative such as this is generally the responsibility of the State Government or private enterprise.

If ranking the projects earmarked for Regional funds this project would not be ranked in terms of allocating any of the funds to be channelled through the Regional Group process. The State Government is presently looking at this matter and local governments doing the same thing would be duplicating.

Other potential projects

Other potential projects that have been discussed informally before include Regional Waste Management or a Regional Airstrip.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Reference to Council's adopted Forward Plan is part of project development.

RECOMMENDATIONS:

1. That Council rescind resolution # 8391 passed at its meeting held 27 May 2010 being as follows:

"That the following list be forwarded to the Warren Blackwood Strategic Alliance as Council's list of preferred regional projects for the purposes of the regional component of the Royalties for Regions funding for the coming financial year.

*Vasse Highway – Upgrade and installation of overtaking lanes
Dairy roads AMR and Nannup shires.
Agrifood processing precinct
Ageing population facilities
Heavy industrial site."*

2. That Council adopt a lobby and/or support position (as appropriate) in respect of the following projects:

Vasse Highway – Upgrade and installation of overtaking lanes
Dairy roads AMR and Nannup shires.
Agrifood processing precinct
Ageing population facilities

3. That Council adopt the position that it would participate and support relevant studies and practical application/introduction in respect of the following projects:

Heavy industrial site
Regional Waste Management
Regional Airstrip

VOTING REQUIREMENTS:

Absolute Majority Vote (5) required for rescission motion (Recommendation 1).



**SHANE COLLIE
CHIEF EXECUTIVE OFFICER**

Notes of the informal meeting of the Shire of Boyup Brook, Denmark, Manjimup and Nannup held Thursday 5 August 2010 at the Perth Convention Centre as recorded by the Shire of Manjimup.

The meeting commenced at 3.58pm.

Attendance

Shire of Boyup Brook

- Cr Terry Ginnane (Shire President)
- Mr Alan Lamb (Chief Executive Officer)

Shire of Denmark

- Cr Ross Thornton (Shire President)
- Mr Dale Stewart (Chief Executive Officer)

Shire of Manjimup

- Cr Wade DeCampo (Shire President)
- Mr Andrew Campbell (Director Statutory Services)

Shire of Nannup

- Cr Barbara Dunnet (Shire President)

Note: An attempt to locate the Shire of Bridgetown-Greenbushes was made however due to the short notice they were unable to be found during a break in the Local Government Convention. Cr DeCampo provided a short briefing to Cr Brian Moore (Shire President – Shire of Bridgetown-Greenbushes) after the meeting had concluded.

Business Arising

Cr DeCampo

- Indicated that the Shire of Manjimup was committed to the WBSA process with a primary purpose of focussing the group on being a R4R funding distribution conduit via a VROC.
- Boyup Brook was seen as an important component of the WBSA VROC and Denmark was considered to be a potential partner also.
- A shift away from non-core WBSA functions was considered to be essential in moving forward.

- Membership fees to the group were expected to remain in some form to fund administration of the group.

Cr Dunnet

- Can see considerable regional strength with 5 partners in a VROC.

Mr Lamb

- Asked a question on what lobbying role the VROC administration was expected to have.

Cr DeCampo and Cr Dunnett

- Expectation that Presidents and CEO's would take the lobbying function but the coordination could be carried out by the Executive Officer of the VROC.

Cr Ginnane

- Originally pulled out of WBSA because of distance and perceived alignment of communities for regional projects.
- Wanted flexibility with decision making particularly with R4R decisions.
- Was not adverse to revisiting a different but more refined alliance model.

Cr DeCampo

- Bunbury – Wellington Alliance are very organised and do things well.
- Concern that shortly all LG assigned R4R will be distributed via a regional body and did not want to lose control of funding distribution opportunities.

Mr Campbell

- Reiterated the likely state of play with R4R and outlined significant risks of not having strong and functional regional groupings.

Cr Thornton

- Reiterated Cr DeCampo's concern about the distribution of future LG R4R funds and urged all to consider viable funding distribution models such as VROC's.

Cr Ginnane

- If Boyup Brook were to follow the VROC path his community would need to be convinced.
- Asked whether EO was necessary and whether this function could be picked up by administration at one or more of the LG's.

Cr DeCampo

- Opposed to LG's taking on administration function of the VROC as workloads and other matters make it impractical.

Cr Ginnane

- Would expect equal input of membership fees and voting rights.
- Needs a robust proposal before any firm commitment.

Mr Stewart

- Denmark is concerned about Albany controlling regional funding.
- Would like WBSA to give good consideration to the inclusion of Denmark in a VROC.

Cr Thornton

- Queried Cr Ginnane as to who Boyup Brook would join if they did not come into the VROC.

Cr Ginnane

- Lack of interest from Donnybrook so it was unclear.
- Still open minded to various regional funding partnerships dependent on situation.
- Has provided some funding to Bridgetown as a library contribution \$30k.
- Will give consideration to new alignment dependent on proposal for VROC.

Cr DeCampo

- A VROC would be a long term commitment and members would be fully committed or would not be part of it due to proposed funding models.

Mr Campbell

- The long term commitment would likely involve some formal type of agreement and would have to include a "no opt out" clause for the duration of the agreement to guarantee certainty.

Cr Ginnane

- If a case can be made (dependent on VROC proposal) he will support and canvass Council and community support.

Cr DeCampo

- The bigger the VROC the better and more powerful it will be.
- Very important that equitable distribution of funding occurs.

Mr Campbell

- Outlined potential ways to manage funding programs to ensure larger type projects can get off the ground whilst still maintaining equitable funding distribution. Key is being project ready.

Cr Thornton and Mr Stewart

- Agreed with approach to equitable funding distribution from the VROC.

Cr Ginnane

- Agrees with VROC conceptually.
- Can see the sense in VROC but things will need to change from the WBSA days.
- Shire Presidents and CEO's should come together soon to formulate a proposal.

Cr Dunnett

- When meetings occur between CEO's should it also include Shire Presidents?

Mr Lamb

- Presidents should meet with CEO's when necessary.

Cr DeCampo

- Meeting timeframe for VROC meetings should be quarterly.

All agreed the initial discussion about forming a VROC should be in three weeks between Shire Presidents and CEO's (week commencing 23/08/10).

The being no further business the meeting closed at 5.05pm.

AGENDA NUMBER: 10.12
SUBJECT: Monthly Financial Statements for 31 July 2010
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC 15
AUTHOR: Craig Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 13 August 2010

Attachment: Monthly Financial Statements for the period ending 31 July 2010.

BACKGROUND:

Regulation 34 of the Local Government (Financial Management) Regulations 1996 reads as follows:

"34. Financial activity statement report - s. 6.4

(1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail -

(a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);

(b) budget estimates to the end of the month to which the statement relates;

(c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;

(d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and

(e) the net current assets at the end of the month to which the statement relates.

(2) Each statement of financial activity is to be accompanied by documents containing -

(a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;

(b) an explanation of each of the material variances referred to in subregulation (1)(d); and

(c) such other supporting information as is considered relevant by the local government.

(3) The information in a statement of financial activity may be shown -

(a) according to nature and type classification;

(b) by program; or

(c) by business unit.

(4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be -

(a) presented to the council -

(i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or

(ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting; and

(b) recorded in the minutes of the meeting at which it is presented.

(5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

(6) In this regulation -

committed assets~ means revenue unspent but set aside under the annual budget for a specific purpose;

restricted assets~ has the same meaning as in AAS 27."

COMMENT:

Based on this Regulation, Council should make a number of determinations as follows:

1. What "other supporting information" Council wishes to be furnished with. The monthly financial statements that have been presented to Council for the previous twelve months represents what this officer believes will satisfy Council to form an opinion on the monthly financial statements.

The other information that Council could request is:

Operating Statement
Debtor Listings
Asset Purchase and Disposal reports
Ratio Analyses

If any further information is required, please make this known.

2. As per paragraph (5) of the Regulation, adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances. A recommended variance amount that should be considered material for this Council is 10% or \$5,000, whichever is the greatest. This has been suggested by a renowned local government accounting / auditing firm, and has been used in the monthly financial statements that have

been presented to Council for the previous two years. Councillors will note a recommendation to this effect appears in this item, however if Council wishes to vary this, then a resolution to this effect should be made.

3. The information in the statement of financial activity may be shown according to nature and type classification, by program, or by business unit. Traditionally this Council's financial information has been presented according to program, as has been reported in the monthly financial statements that have been presented to Council for the previous two years. If Council wishes the information to be presented in another format, please make this known.

The monthly Financial Statements for the period ending 31 July 2010 as attached, are presented in a statutorily compliant manner. Any queries Councillors may have with them can be addressed prior to or at the meeting.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATIONS:

1. That for the purposes of reporting material variances in the monthly financial statements, an amount 10% or \$5,000, whichever is the greatest, shall be used.
2. That the Monthly Financial Statements for the period ending 31 July 2010 be received.

VOTING REQUIREMENTS:



**CRAIGE WADDELL
MANAGER CORPORATE SERVICES**

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2010 TO 31 JULY 2010

<u>Operating</u>	Y-T-D Actual \$	Y-T-D Budget \$	20010/11 Budget \$	Variances Y-T-D Budget to Actual %
Revenues/Sources				
Governance	0	0	0	0%
General Purpose Funding	(3,420)	6,963	2,053,696	(149%)
Law, Order, Public Safety	18	22,818	142,480	(100%)
Health	108	166	2,000	(35%)
Education and Welfare	15,111	0	27,389	0%
Housing	(543)	1,391	16,700	(139%)
Community Amenities	779	1,456	89,776	(46%)
Recreation and Culture	24,414	60,572	176,870	(60%)
Transport	2,128,029	41	10,056,055	5190215%
Economic Services	1,033	2,273	27,286	(55%)
Other Property and Services	668	2,083	25,000	(68%)
	<u>2,166,197</u>	<u>97,763</u>	<u>12,617,252</u>	<u>2116%</u>
(Expenses)/(Applications)				
Governance	(32,113)	(27,622)	(271,700)	16%
General Purpose Funding	(14,302)	(11,923)	(1,390,132)	20%
Law, Order, Public Safety	(15,919)	(22,132)	(249,652)	(28%)
Health	(15,074)	(3,020)	(41,109)	399%
Education and Welfare	(12,342)	(15,389)	(156,717)	(20%)
Housing	(6,401)	(4,516)	(54,995)	42%
Community Amenities	(75,805)	(63,081)	(751,998)	20%
Recreation & Culture	(73,576)	(64,945)	(760,724)	13%
Transport	(94,304)	(64,297)	(2,381,209)	47%
Economic Services	(40,944)	(15,890)	(184,540)	158%
Other Property and Services	(9,273)	(8,850)	(35,987)	5%
	<u>(390,052)</u>	<u>(301,665)</u>	<u>(6,278,763)</u>	<u>29%</u>
Adjustments for Non-Cash				
(Revenue) and Expenditure				
(Profit)/Loss on Asset Disposals	0	0	28,000	0%
Depreciation on Assets	0	0	1,912,127	0%
Capital Revenue and (Expenditure)				
Purchase Land and Buildings	0	(1,664)	(120,000)	(100%)
Purchase Infrastructure Assets - Roads	(40,220)	(477,686)	(11,038,305)	(92%)
Purchase Plant and Equipment	0	(115,800)	(535,800)	(100%)
Purchase Furniture and Equipment	0	0	(24,500)	0%
Proceeds from Disposal of Assets	0	0	134,000	0%
Repayment of Debentures	0	(1,091)	(13,109)	(100%)
Restricted Cash	0	0	1,071,800	0%
Proceeds from New Debentures	0	0	280,000	0%
Leave Provisions	143,259	143,259	143,259	0%
Depreciation - Plant Reversal	0	0	0	0%
Accruals	27,737	27,737	27,737	0%
Transfers to Reserves (Restricted Assets)	0	0	(664,130)	0%
Transfers from Reserves (Restricted Assets)	0	0	1,010,461	0%
ADD Net Current Assets July 1 B/Fwd	507,771	507,771	507,771	
LESS Net Current Assets Year to Date	3,306,942	0	0	
Amount Raised from Rates	<u>(892,250)</u>	<u>(121,376)</u>	<u>(942,200)</u>	

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2010 TO 31 JULY 2010

	20010/11 Actual \$	Brought Forward 01-July-2010 \$
NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	1,430,787	1,141,073
Cash - Restricted	86,045	1,071,800
Cash - Reserves	951,074	950,015
Receivables	2,464,664	103,576
Inventories	0	0
	<u>4,932,570</u>	<u>3,266,464</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(588,509)</u>	<u>(736,878)</u>
	4,344,061	2,529,586
Less: Cash - Reserves - Restricted	(1,037,119)	(2,021,815)
NET CURRENT ASSET POSITION	<u><u>3,306,942</u></u>	<u><u>507,771</u></u>

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY FOR THE PERIOD 1 JULY 2010 TO 31 JULY 2010

REPORT ON MATERIAL VARIANCES BETWEEN YEAR TO DATE BUDGET ESTIMATE AND YEAR TO DATE ACTUAL.

All except one of the variances shown in the above named statement of financial activity are outside of the adopted variance of 10%.

The main reason for the variances is that there has been only the one month of operations whereby the budget has still not been adopted by Council, and therefore the expenditure and income is not occurring as predicted by Officers during the budget development stage. This is due to a number of reasons, the main one being not accurately projecting cashflows throughout the year, i.e. predicting when the budgeted income or expenditure will occur as opposed to when it actually occurs. Other reasons are not receiving a grant for grant dependant expenditure, projects controlled by Advisory Committees, suppliers/contractors not having the capacity to undertake the works within Council's timeframes, altered Council priorities, etc.

Due to this, an analysis of variances outside of the adopted variance has not been undertaken for this month.

AGENDA NUMBER: 10.13
 SUBJECT: Adoption of 20010/11 Budget
 LOCATION/ADDRESS: Nannup
 NAME OF APPLICANT:
 FILE REFERENCE: FNC 3
 AUTHOR: Craig Waddell – Manager Corporate Services
 DISCLOSURE OF INTEREST:
 DATE OF REPORT: 13 August 2010

Attachment: 20010/11 Budget (Separate Cover).

BACKGROUND:

Section 5.2 of the Local Government Act 1995 stipulates that no later than 31 August each financial year or such extended time as the Minister allows each local government is to prepare and adopt by absolute majority in the form and manner prescribed a budget for its municipal fund for the financial year ending on the next following 30 June.

Council at its June 2010 meeting resolved that the draft 2010/11 cash budget be changed as follows:

That Council make the following changes to the draft cash budget:

<i>Deficit Balance (draft) Cash Budget</i>	<i>\$821,173</i>
<i>Amendments:</i>	
<i>WALGA final allocation</i>	<i>- 116,561</i>
<i>Plant Loan</i>	<i>- 280,000</i>
<i>Transfer from Reserve General, Kindergarten</i>	<i>- 139,000</i>
<i>Transfer from Reserve General, Rec Centre</i>	<i>- 134,331</i>
<i>Transfer to Reserve, Plant</i>	<i>- 100,000</i>
<i>Revised Deficit</i>	<i><u>\$ 51,281</u></i>

COMMENT:

Further information has been received since Council last discussed the budget as follows:

1. The following corrections were made to the draft budget:

Demolish Old Rds Board Office Toilets	-\$2,000
Telecentre - Security Screens	-\$3,000
Depreciation (Non Cash) Included In Error	-\$20,031
Rental Income Not Included In Error	-\$8,640
Caravan Parks Not Included In Error	\$2,000

This left a deficit balance of \$19,610.

2. An unaudited calculation of the carry forward position from 2009/10 has been undertaken based on Council's end of year financial information. This figure is calculated based on Council's estimated current position at year end, i.e. current asset less current liabilities. This shows the estimated surplus to be \$507,771 of which specific carried forward items as detailed on page 1 of the budget totalling \$435,952 are included leaving a net deficit to be carried forward into the budget of \$71,819.

This left a surplus balance of \$52,509. This surplus was used to put back into the budget some of the items that had previously been removed as follows:

Solar Lighting Old Railway Bridge (Net)	\$4,000
Footpath Program	\$25,000
Depot Construction	\$5,000
Traffic Signs	\$2,000
Administration / Council Chambers Flooring	\$16,209

This left a balanced balance position.

On the basis of the foregoing, the attached budget contains all of the above changes. Council may wish to alter other areas of the budget to achieve a balanced budget. If this is the case, the budget shall require modification prior to it being adopted.

Section 6.2 of the Local Government Act 1995 and Financial Management Regulations Part 3 stipulate the requirements of the content of the budget. The budget as contained in the recommendation to this item has been developed based on these requirements. It also addresses the four issues raised in the auditor's report for the year ended 30 June 2009. The budget is in an accrual format, based on a balanced cash position. Councillors will note that some of the comparative figures (2009/10 actual) are not shown. This is due to the end of year financials not being completed to date, however has no bearing on the adoption of the budget itself.

The budget also reflects prior decisions of Council in relation to Fees and Charges and the basis of rates.

Any queries Councillors have with the format of the budget can be explained prior to or at the meeting.

STATUTORY ENVIRONMENT: Local Government Act 1995 Part 6.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: 2010/11 budget.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council adopt the budget papers for 2010/11 as per the Attachment.

VOTING REQUIREMENTS:

Absolute Majority Vote (5) required for budget adoption.



**CRAIG WADDELL
MANAGER CORPORATE SERVICES**

AGENDA NUMBER: 10.14
SUBJECT: Request for Waiving of Hire Fees
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT: Blackwood River Valley Marketing Association Inc.
FILE REFERENCE: FNC 10
AUTHOR: Craig Waddell – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 13 August 2010

Attachment: Letter from BRVMA.

BACKGROUND:

Council at its July 2010 meeting resolved as follows:

1. *That Council adopt the following policy ADM 7 – Hire of Council Facilities*

Hire of Council Facilities

ADM 7

Council will charge all hirers of its facilities as per its list of fees and charges which is reviewed annually in line with the budget, unless exempted by resolution of Council.

In considering an application for exemption of paying fees, Council will consider the request based on the organisation being not for profit, local, and the demonstration of the community benefit derived from the waiving of the fees.

Hire Charges and Fees are waived for the following organisations:

*Gentle Gym
Blackwood Boot scoot
Nannup Music Club
Nannup Community Resource Centre
Nannup Play Ups*

All fees and bonds are to be paid prior to the use of the facility. Bookings are not confirmed until full payment is received. Keys provided to hirers are to be returned by midday of the following business day. Bonds shall be returned after an inspection of the facility has occurred to ensure compliance with bond conditions.

Bookings are taken on a first come first served basis with all regular Council related functions, events and meetings taking priority over external bookings.

The hire of the Shirley Humble Room is to be primarily for meeting purposes. If the kitchen adjacent to the Shirley Humble room is used, it is to be left as found, in a clean and tidy condition. All crockery and cutlery to be washed and put away. All appliances and bench space clean and wiped down. All furniture to be left as found, clean and tidy.

2. *That fees charged for the hire of Council facilities be waived for the following organisations:*

*Gentle Gym
Blackwood Boot scoot
Nannup Music Club
Nannup Community Resource Centre
Nannup Play Ups*

3. *That Council Policy HAB2 - Use/Hire of Community Facilities be amended by deleting paragraphs 8 10.*
4. *That Council Delegation Number 70 – Use/Hire of Community Facilities be revoked.*

The attached letter from the Blackwood River Valley Marketing Association Inc. (BRVMA) is requesting Council to waive the fees associated with this organisation hiring the Shirley Humble Room. The BRVMA hire the room about two times per year.

COMMENT:

As per recently revised policy ADM 7 – Hire of Council Facilities, Council will charge all hirers of its facilities unless exempted by resolution of Council. In considering an application for exemption of paying fees, Council will consider the request based on the organisation being not for profit, local, and the demonstration of the community benefit derived from the waiving of the fees.

As this request is of an ongoing nature, Council will need to determine if the BRVMA fits the above criteria, and therefore the recommendation to this item is blank.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS:

Council Policy ADM7 – Hire of Council Facilities

FINANCIAL IMPLICATIONS:

Dependent upon Council's resolution, income derived from fees charged for the short term hire of its facilities will not be realised.

STRATEGIC IMPLICATIONS:

Council's Strategic and Organisational Review Report which was adopted in August 2009 states in part:

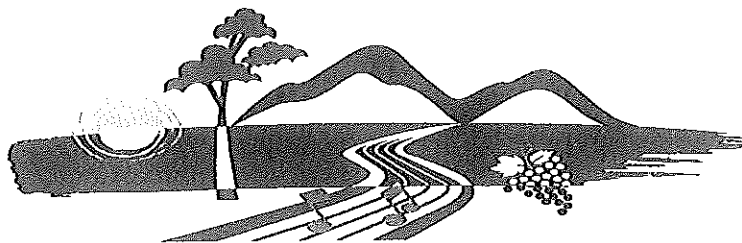
E4 That Council move toward a general user pays principle in the overall management for all assets under its care, control and maintenance.

RECOMMENDATION:

VOTING REQUIREMENTS:



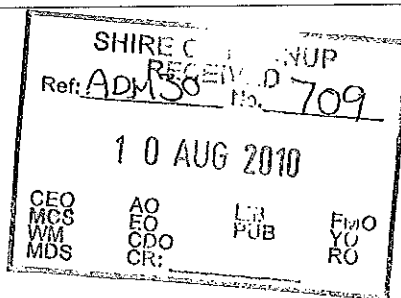
**CRAIGE WADDELL
MANAGER CORPORATE SERVICES**



BLACKWOOD RIVER VALLEY

All Correspondence
to
The Secretary

PO Box 112
Boyup Brook
WA 6244



9th August, 2010.

PRESIDENT:
Ken Wright
Phone: 9754 3037

VICE PRESIDENT
Carol Pinkerton
Phone: 9756 1363

SECRETARY/TREASURER:
Sue White
Phone: 9765 1510

Mr. Craig Waddell,
Manager, Corporate Services,
Shire of Nannup,
PO Box 11,
Nannup. WA. 6275.

Dear Mr. Waddell,

I have been advised by Carol Pinkerton, your Council Representative on our Committee, that we were going to be requested to pay for the use of your Shire Function Room for our meetings.

Since this is the first we have heard of the matter I am writing to ask that if this is correct can we please claim a waiver. Our Association has been in operation since 1982, and was instigated by the four Shires involved in the Blackwood Valley. Under these circumstances and as we always have the respective Council representatives at our meetings we have taken it for granted that we were entitled to use these facilities, and have never paid for any of the council chambers that we use.

Should we understand that as we did not receive a letter advising us of the proposed user pays charges that we are exempt from them? We look forward to your positive advice in due course.

Yours sincerely,

Mrs. S. R. White
Hon. Secretary/Treasurer.

BLACKWOOD RIVER VALLEY MARKETING ASSOCIATION INC.

Experience Nature's Treasure

through the areas of Darkan, Boyup Brook, Bridgetown, Greenbushes, Balingup, Donnybrook and Nannup.

www.blackwoodrivervalley.org.au

AGENDA NUMBER: 10.15
SUBJECT: Lotterywest Trails Grant
LOCATION/ADDRESS:
NAME OF APPLICANT:
FILE REFERENCE: FNC 6
AUTHOR: Louise Stokes – Community Development Officer
DISCLOSURE OF INTEREST:
DATE OF REPORT: 16 August 2010

Attachment: Letter of Offer Lotterywest.

BACKGROUND:

Funding acknowledgement has been received of \$14,970 from Lotterywest through their Trails grants program. As this funding is over \$5,000, Council is required to accept the funding as per Council policy FNC 6.

The grant funding is to undertake planning and surveying of a link recreational trail from the townsite of Nannup to the Bibbulman Track.

COMMENT:

This planning adds emphasis to the development of heritage interpretation at the old Ellis Creek mill site. There is little impact on Council staff as the planning would be undertaken in consultation with the development of the Nannup bike plan by a consultant and surveying undertaken by a contracted surveyor.

There is no request for Council contributions towards this project.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: FNC 6.

FINANCIAL IMPLICATIONS:

Although the expenditure for this project is unbudgeted, there is no impact on the budget as it is fully grant funded.

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2010/11 – 2014/15 states in part:

Program 13.2.H. Support the key regional trails initiatives of the Bibbulman Track and the Munda Biddi Mountain Trail.

Program 13.2.1. Develop a non townsite bike plan which links with existing trails such as the Munda Biddi Mountain Bike Trail.

RECOMMENDATION:

That Council accept the funding of \$14,970 from Lotterywest to undertake the trail planning project.

VOTING REQUIREMENTS:

Absolute majority decision (5) required for unbudgeted expenditure.



For

**LOUISE STOKES
COMMUNITY DEVELOPMENT OFFICER**



Please quote
Our ref: 5097/20101202/Conditions

SHIRE OF NANNUP			
RECEIVED			
Ref: FNC6	No. 708		
10 AUG 2010			
CEO	AO	LIB	FMO
MCS	EO	PUB	YO
WM	CDO		RO
MDS	CR:		

- 6 AUG 2010

Mr S Collie
Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

Dear Mr Collie

YOUR LOTTERYWEST GRANT

I am delighted to advise you that the Premier, the Hon Colin Barnett MLA, has approved a recommendation by the Lotterywest Board for a grant of \$14,970.00 to Shire of Nannup.

Lotterywest is pleased to be able to support your proposal.

The following documents are attached to guide you through the rest of the grant process and help you to meet your grant obligations:

- **What Happens Now**
- **Your Grant Approval Schedule**
- **Grant Payment and Acquittal Information**
- **Acknowledging Your Grant**
- **Publication on the Lotterywest Website**

Please read all of these attachments carefully. They provide important information regarding the payment, management and acquittal of your grant.

The Premier has asked me to pass on his very best wishes for your project. The team at Lotterywest congratulates you and wishes you every success.

Yours sincerely

JAN STEWART PSM
Chief Executive Officer

att

AGENDA NUMBER: 10.16
 SUBJECT: Accounts for Payment
 LOCATION/ADDRESS: Nannup Shire
 FILE REFERENCE: FNC 8
 AUTHOR: Tracie Bishop – Administration Officer
 DISCLOSURE OF INTEREST:
 DATE OF REPORT: 17 August 2010

Attachment: Schedule of Accounts for Payment.

COMMENT:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund are detailed hereunder and noted on the attached schedule are submitted to Council.

Municipal Account

Accounts Paid By EFT EFT 1607 - 1674	\$524,807.18
Accounts Paid By Cheque Vouchers 18186– 18220	\$106,647.73
Direct Debits Vouchers 99187 – 99192	\$ 14,299.71

Trust Account

Accounts Paid By Cheque Voucher – 22729	\$160.00
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STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$645,914.62 in the attached schedule be accepted.

VOTING REQUIREMENTS:



For **TRACIE BISHOP**
ADMINISTRATION OFFICER

SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S AUGUST 2010 MEETING

MUNICIPAL PAYMENTS

Chq/EFT	Name	Description	Amount
EFT1607	ENVIRONMENTAL HEALTH AUSTRALIA	ANNUAL SUBSCRIPTION 'I'M ALERT'	\$880.00
EFT1608	J BLACKWOOD & SON LIMITED	SUNDRY SUPPLIES	\$2,129.81
EFT1609	PHOENIX BUILDING COMPANY	REPLACE DECKING - TOURIST CENTRE	\$8,470.00
EFT1610	KD POWER & CO	SUNDRY SUPPLIES	\$572.00
EFT1611	ASCENT ENGINEERING	SITE INSPECTION ASKINO DEVELOPMENT	\$1,441.28
EFT1612	AMR PAVING	NICHE WALL REFURBISHMENT	\$1,375.00
EFT1613	COURIER AUSTRALIA	FREIGHT CHARGES	\$355.10
EFT1614	CJD EQUIPMENT PTY. LTD.	SUNDRY SPARE PARTS	\$1,123.01
EFT1615	LANDGATE	VARIOUS LANDGATE TRANSACTIONS	\$568.22
EFT1616	KIM DAWE	PROGRESS PAYMENT - COCKATOO VALLEY PROJECT	\$20,000.00
EFT1617	NANNUP HARDWARE & AGENCIES	FERTILISER	\$197.54
EFT1618	NANNUP EZIWAY SELF SERVICE STORE	REFRESHMENTS AND CLEANING	\$224.01
EFT1619	NANNUP TELECENTRE	ADVERTISING & CONSULTANCY WORKS	\$2,347.00
EFT1620	SW PRECISION PRINT	ENVELOPES & PURCHASE ORDER BOOKS	\$540.00
EFT1621	WALGA	MARKET FORCE ADVERTISING PLANNING	\$164.58
EFT1622	WADIFARM CONSULTANCY SERVICES	CONSULTANCY FEES	\$385.00
EFT1623	NANNUP SURVEYS	MOWEN ROAD CLEARING MARKUPS	\$715.00
EFT1624	TIGER SHACK	3RD PART PAYMENT OFFICE REFURBISHMENT	\$5,000.00
EFT1625	AMITY SIGNS	CYCLE ART SIGNAGE	\$192.50
EFT1626	AMD CHARTERED ACCOUNTANTS	INTERIM AUDIT	\$2,860.00
EFT1627	COURIER AUSTRALIA	FREIGHT CHARGES	\$59.11
EFT1628	CJD EQUIPMENT PTY. LTD.	SUNDRY SUPPLIES	\$119.59
EFT1629	DARRADUP VOLUNTEER BUSH FIRE BRIGADE	QUIT FOREST RALLY X 4 STAGES	\$500.00
EFT1630	D & J MILLER (DO YOUR BLOCK CONTRACTING)	COCKATOO VALLEY CYCLEPATH WORKS	\$5,456.00
EFT1631	INSIGHT CCS PTY LTD	OVERNIGHT CALL CONTRACT	\$25.74
EFT1632	JASON SIGNMAKERS	SIGNAGE	\$330.00
EFT1633	LOCAL GOVERNMENT MANAGERS AUSTRALIA	MEMBERSHIP SUBSCRIPTION	\$410.00
EFT1634	LGIS WORKCARE	WORKCARE INSURANCE	\$25,322.00
EFT1635	LGIS LIABILITY	LIABILITY INSURANCE	\$11,759.52
EFT1636	NANNUP LIQUOR STORE	REFRESHMENTS	\$240.89
EFT1637	IT VISION	ANNUAL LICENSE FEE	\$14,404.50
EFT1638	WESTRAC EQUIPMENT	PLANT REPAIR	\$112.86
EFT1639	VISIMAX SAFETY PRODUCTS	SAFETY PRODUCTS	\$693.00
EFT1640	BP NANNUP	FUEL ACCOUNT	\$336.45
EFT1641	BDA TREELOPPING SERVICE	TREE LOPPING CUNDINUP ROADS 10/11	\$11,220.00
EFT1642	COURIER AUSTRALIA	FREIGHT CHARGES	\$28.41
EFT1643	CJD EQUIPMENT PTY. LTD.	PARTS/EQUIPMENT STUDS	\$70.17
EFT1644	CUTTS ENGINEERING	REPAIR BODY TRAY TO TRUCK	\$3,587.38
EFT1645	KIM DAWE	FOOTPATH TOURIST CENTRE	\$308.00
EFT1646	K & C HARPER	MAINTENANCE ON CAREY ST PROPERTY	\$344.30
EFT1647	FULTON HOGAN INDUSTRIES PTY LTD	SUPPLY 2 X 15/LT PAILS EMULSEAL	\$209.00
EFT1648	THE PAPER COMPANY OF AUSTRALIA PTY LTD	STATIONERY SUPPLIES	\$138.60
EFT1649	SUGAR MOUNTAIN ELECTRICAL SERVICES	WORK 29 CAREY ST RENTAL	\$1,284.51
EFT1650	WALGA	ASSOCIATION SUBSCRIPTIONS 2010/11	\$15,680.54
EFT1651	CRAIGE WADDELL	RECOUP OF EXPENSES	\$527.60
EFT1652	WORTHY CONTRACTING	CLEARING, HEAPING, BURNING ON MOWEN RD	\$42,900.00
EFT1653	YAKKA PTY LTD	SAFETY CLOTHING	\$370.82
EFT1654	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	\$11,911.54
EFT1655	NANNUP SURVEYS	CENTRE LINE MARKINGS CUNDINUP WEST RD	\$1,952.50
EFT1656	PHOENIX BUILDING COMPANY	SHIRE OFFICE REPAIRS & SUNDRY MAINTENANCE WORKS	\$3,057.75
EFT1657	AMY MYERS	RECOUP OF EXPENSES	\$93.00
EFT1658	TYRON SWAIN	RECOUP OF EXPENSES	\$95.64
EFT1659	NANNUP BRIDGE CAFE	CATERING FOR 22 JULY COUNCIL MEETING	\$348.00
EFT1660	AUSTRALIAN TAXATION OFFICE	JULY BAS	\$216,090.00
EFT1661	AMD CHARTERED ACCOUNTANTS	ACQUITTAL ROADS TO RECOVERY -YEAR ENDED 30 /06/10	\$418.00
EFT1662	COURIER AUSTRALIA	FREIGHT CHARGES	\$43.56
EFT1663	SHANE COLLIE	RECOUP OF EXPENSES	\$639.55
EFT1664	CORPORATE EXPRESS	STATIONERY SUPPLIES	\$163.48
EFT1665	LANDGATE	VALUATIONS	\$375.37
EFT1666	KIM DAWE	FINAL PAYMENT COCKATOO CYCLEWAY PROJECT	\$82,313.00
EFT1667	D & J MILLER (DO YOUR BLOCK CONTRACTING)	WORKS FOR COCKATOO VALLEY PATHWAY	\$3,074.50
EFT1668	FITZ GERALD STRATEGIES	REVIEW OF MOWEN RD EMPLOYMENT CONTRACT	\$187.00
EFT1669	THE IT VISION USER GROUP	ANNUAL SUBSCRIPTION 2010/2011	\$500.50
EFT1670	SERENE HABITATS GARDEN DESIGN	SUPERVISION OF SENIORS	\$40.00
EFT1671	SUGAR MOUNTAIN ELECTRICAL SERVICES	ELECTRICAL MODIFICATION FOR ADAM ST SHIRE OFFICE	\$2,288.14

**SCHEDULE OF ACCOUNTS PAYABLE
SHIRE OF NANNUP
SUBMITTED TO COUNCIL'S AUGUST 2010 MEETING**

MUNICIPAL PAYMENTS

Chq/EFT	Name	Description	Amount
EFT1672	TRADE HIRE	HIRE OF CHERRY PICKER TRAILER MOUNTED	\$654.50
EFT1673	WARREN BLACKWOOD WASTE	BIN PICK UPS FOR JULY	\$5,118.78
EFT1674	WORTHY CONTRACTING	1 MONTH CONTRACT NANNUP WASTE FACILITY	\$9,463.33
Total EFT Payments:			\$524,807.18

18186	IAN ENGLERT	PIANO TUNING	\$130.00
18187	DEPARTMENT OF ENVIRONMENT AND CONSERVATION	CLEARING PERMIT MOWEN ROAD	\$200.00
18188	BROONS	HANDY HITCH GRADER MOUNTED ROLLER	\$2,750.00
18189	P & F MARTIN	VEHICLE MAINTENANCE	\$88.00
18190	BLACKWOOD CAFE ARIHIA PTY LTD	CATERING YAC	\$29.80
18191	CUTTING EDGES	GRADER BLADE	\$2,200.00
18192	BUSSELTON RURAL	PIPE SUPPLIES	\$1,320.00
18193	LGIS INSURANCE BROKING	INSURANCE - VARIOUS	\$59,720.48
18194	SCANIA AUSTRALIA BUNBURY OFFICE	UREA SUPPLIES	\$1,441.00
18195	CARLOTTA BUSH FIRE BRIGADE	QUIT FOREST RALLY 3 STAGES	\$375.00
18196	EAST NANNUP BUSH FIRE BRIGADE	FORREST QUIT RALLY PAYMENT 1 STAGE	\$125.00
18197	FOREST PRODUCTS COMMISSION	LOGS FOR POST AND RAIL FENCING	\$862.11
18198	LGIS PROPERTY	PROPERTY SCHEME CONTRIBUTION	\$10,993.88
18199	NANNUP BROOK BUSH FIRE BRIGADE	FORREST RALLY PAYMENT 2 STAGES	\$250.00
18200	NANNUP BOWLING CLUB	HIRE OF FACILITIES	\$200.00
18201	NORTH NANNUP BUSH FIRE BRIGADE	QUIT FORREST RALLY 2 STAGES	\$250.00
18202	DEPARTMENT FOR TRANSPORT	VEHICLE REGISTRATION	\$253.20
18203	SYNERGY	ELECTRICITY EXPENSES	\$4,115.90
18204	WATER CORPORATION	ANNUAL SERVICE CHARGES+C39	\$3,114.85
18205	ALGWA	2010/11 ALGWA WA MEMBERSHIP	\$40.00
18206	BUSSELTON TELEPHONES	MAINTENANCE WORK - FAULTY TELEPHONE	\$121.50
18207	CITY OF BUNBURY	SWLGEMA ADMINISTRATON ANNUAL FEE	\$330.00
18208	CUTTING EDGES	GRADER BLADE HT CURV (RED)	\$2,200.00
18209	ANGELA WINTER	SCHOOL HOLIDAY PROGRAM	\$246.00
18210	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	\$955.48
18211	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$286.90
18212	WESTSCHEME	SUPERANNUATION CONTRIBUTIONS	\$296.02
18213	NORWICH UNION SUPERANNUATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$286.92
18214	COMMONWEALTH SUPER SELECT	SUPERANNUATION CONTRIBUTIONS	\$48.61
18215	IIML ACF IPS APPLICATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$302.40
18216	HOSTPLUS EXECUTIVE	SUPERANNUATION CONTRIBUTIONS	\$105.82
18217	CARLOTTA AG SERVICES	VARIOUS TIMBER WORKS	\$10,901.00
18218	SYNERGY	STREETLIGHT POWER USAGE	\$1,252.85
18219	KAY SAVORY	RECOUP OF EXPENSES	\$300.00
18220	TELSTRA	MOBILE PHONE CHARGES	\$555.01
TOTAL CHEQUE PAYMENTS:			\$106,647.73

99187	SG FLEET AUSTRALIA P/L	MONTHLY CAR EXPENSE	\$637.30
99188	BP AUSTRALIA	FUEL EXPENSES	\$11,770.95
99189	CALTEX AUSTRALIA	FUEL EXPENSES	\$418.09
99190	TELSTRA	TELEPHONE EXPENSES	\$1,353.48
99191	WESTNET	INTERNET EXPENSES	\$74.94
99192	WESTNET	INTERNET EXPENSES	\$44.95
TOTAL DIRECT DEBITS			\$14,299.71

TRUST PAYMENTS

22729	BELINDA FURNISS	BOND REFUND FOR HALL HIRE	\$160.00
TOTAL TRUST PAYMENTS:			\$160.00

TOTAL MUNICIPAL PAYMENTS: \$645,754.62
TOTAL TRUST PAYMENTS: \$160.00

TOTAL PAYMENTS FOR THE PERIOD 14/07/2010 TO 17/08/2010: \$645,914.62