

Memorandum

To: Councillors
From: Peter Clarke
Subject: Notice of an Ordinary Council Meeting
Date: 21 April 2016

NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Nannup Council will be held on Thursday 28 April 2016 in the Council Chambers, Nannup commencing at 4.15 pm.

Schedule for 28 April 2016:

3.15 pm Information Session

4.15 pm Meeting commences

5.30 pm The Shire President will be conducting an Australian Citizenship Ceremony for Mr Victor Smith in the Council Chambers.

6.30 pm Dinner supplied by the Nannup Bridge Cafe



PETER CLARKE
CHIEF EXECUTIVE OFFICER



Agenda

**Council Meeting to be held
on Thursday 28 April 2016
Commencing at 4.15pm**

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. DECLARATIONS OF INTEREST**

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

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

- 8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 31 March 2016 be confirmed as a true and correct record.

- 9. MINUTES OF COUNCIL COMMITTEES**

9.1 Warren Blackwood Alliance of Councils

That Council receives the Minutes of the Warren Blackwood Alliance of Councils Board Meeting held 5 April 2016.

- 10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
- 11. REPORTS BY MEMBERS ATTENDING COMMITTEES**
- 12. REPORTS OF OFFICERS**

Shire of Nannup
Ordinary Council Meeting Agenda: 28 April 2016

Agenda No.	Description	Page No.
CEO DEPARTMENT		
12.1	Appointment of Acting Chief Executive Officer	5
12.2	Financial Management Regulation Review	7
12.3	Notice of 2016 Annual General Meeting and Local Government Convention	10
12.4	Partnership Proposal	12
12.5	Original 1865 Nannup Traffic Bridge Pylons	14
12.6	Nannup Community House	16
12.7	Request to Waive Facility User Fees	18
COMMUNITY & DEVELOPMENT SERVICES		
12.8	Development Application for a Proposed Residence and Medical Centre	21
12.9	Advice of Lodgement of Exploration Licences - McMahon Mining Title Services P/L on behalf of Venture Lithium P/L	26
12.10	Advice of Lodgement of Exploration Licences - Anderson's Tenement Management on behalf of Olaf Frederickson, Benison Holdings P/L & Bull Equities P/L	29
12.11	Amendment No.18 to the Shire of Nannup Local Planning Scheme No. 3: submitted for adoption	33
12.12	Proposed Draft Detailed Structure Plan A (Lot 67 Warren Rd)	41
12.13	Scott River Bridle Trail/Old Railway Bridge	46
WORKS & SERVICES		
12.14	Main Roads Naming Request	48
FINANCE & ADMINISTRATION		
12.15	Proposed 2016/17 Fees and Charges	50
12.16	Donnelly River Lease – Hut 3 – Response to bulk letter addressing rating inclusion from 2016/17 onwards.	53
12.17	Budget Monitoring – March 2016	55
12.18	Monthly Accounts for Payment - March 2016	57

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

13.1 OFFICERS

13.2 ELECTED MEMBERS

**14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)**

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Agenda No.	Description	Page No.
---------------	-------------	-------------

DEPARTMENT

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE
PUBLIC**

- 15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS
BEEN GIVEN**
- 16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 17. CLOSURE OF MEETING**

CEO DEPARTMENT

AGENDA NUMBER:	12.1
SUBJECT:	Appointment of Acting Chief Executive Officer
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Chief Executive Officer
FILE REFERENCE:	Council Policy No. ADM 9
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 April 2016

BACKGROUND:

The CEO advises that he will be taking annual leave for a period of six (6) weeks commencing Monday, 9 May to Friday, 17 June 2016 inclusive.

COMMENT:

In accordance with Council Policy ADM 9, for periods of leave taken by the CEO in excess of three (3) working days, another member of Council's Senior Management Team delegated by the CEO is to be appointed as Acting CEO for that period of leave.

The CEO has delegated Ms Tracie Bishop, Council's Manager Corporate Services, to act in the CEO position for the period whilst the CEO is on leave. This is an ideal opportunity for Ms Bishop to further her development and experience the role of the CEO position for an extended period.

STATUTORY ENVIRONMENT:

Sections 5.36 and 5.39 of the *Local Government Act 1995* relating to appointment of CEO's.

POLICY IMPLICATIONS:

Council Policy ADM 9 states the following:-

1. *For periods of leave of the Chief Executive Officer in excess of three working days another member of the Senior Management Team delegated by the Chief Executive Officer, is to be the Acting Chief Executive Officer for that period of leave.*
2. *An information report is to be prepared prior to the period of leave to confirm for Council the period of leave. If this is not possible due to the leave being urgent and between Council meetings, the Shire President or Acting Shire President is to be immediately informed.*
3. *The person acting in the position of Chief Executive Officer is to be remunerated at the current salary level of the Chief Executive Officer for the period while acting in the position.*

FINANCIAL IMPLICATIONS:

As per point 3 in the above Policy, the Acting CEO is to be remunerated at the current salary level of the CEO whilst acting in the position.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council endorses the appointment of Ms Tracie Bishop as Acting CEO for a period of 6 weeks, Monday, 9 May to Friday, 17 June 2016 inclusive whilst the CEO is on annual leave which is in accordance with Council Policy ADM 9.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.2
SUBJECT:	Financial Management Regulation Review
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Chief Executive Officer
FILE REFERENCE:	ADM 14
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	13 April 2016
ATTACHMENT:	12.2.1 – Financial Management Systems Review April 2016

BACKGROUND:

In accordance with Section 5 of the *Local Government (Financial Management) Regulations 1996* and Section 6.10 of the *Local Government Act 1995*, Local Government CEO's are required to undertake a Financial Management Review once every 4 years. Based on the timing of the last Review, it is necessary for this Review to be conducted prior to 30 June 2016.

COMMENT:

In respect to Section 5 of the *Local Government (Financial Management) Regulations 1996* Review, it was considered that this could be achieved in-house by the CEO. The Department of Local Government and Communities were contacted to ensure that it was acceptable for the CEO to undertake same.

The above Report is provided in the Agenda attachments and addresses the areas assessed for compliance in accordance with the *Act* and Regulations.

The *Local Government (Audit) Regulations 1996*, Regulation 17, also requires the CEO to undertake a review on the appropriateness and effectiveness of the local governments systems and procedures in relation to:-

- (a) risk management; and
- (b) internal control; and
- (c) legislative compliance.

The Regulation 17 Report is to be presented to the Audit Committee every two (2) years with this review having to be completed by 31 December 2016. It was considered appropriate that Council's Auditor's would be best to carry out this Review based on its complexity and the requirement to report same to the Audit

Committee. It is the intention of the Auditors to undertake this Review in July 2016.

STATUTORY ENVIRONMENT:

Section 6.10 of the *Local Government Act 1995* states the following:-

6.10. Financial management regulations

Regulations may provide for —

- (a) the security and banking of money received by a local government; and
- (b) the keeping of financial records by a local government; and
- (c) the management by a local government of its assets, liabilities and revenue; and
- (d) the general management of, and the authorisation of payments out of —
 - (i) the municipal fund; and
 - (ii) the trust fund,of a local government.

Section 5 of the *Local Government (Financial Management) Regulations 1996* states the following:-

5. CEO's duties as to financial management

- (1) Efficient systems and procedures are to be established by the CEO of a local government —
 - (a) for the proper collection of all money owing to the local government; and
 - (b) for the safe custody and security of all money collected or held by the local government; and
 - (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process); and
 - (d) to ensure proper accounting for municipal or trust —
 - (i) revenue received or receivable; and
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;and
 - (e) to ensure proper authorisation for the incurring of liabilities and the making of payments; and
 - (f) for the maintenance of payroll, stock control and costing records; and
 - (g) to assist in the preparation of budgets, budget reviews, accounts and reports required by the Act or these regulations.

- (2) The CEO is to —
- (a) ensure that the resources of the local government are effectively and efficiently managed; and
 - (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
 - (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

Section 6 of the *Local Government (Financial Management) Regulations 1996* states the following:-

6. Audits and performance review of accounting staff etc., who may conduct

A local government is to ensure that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for —

- (a) conducting an internal audit; or
- (b) reviewing the discharge of duties by that employee, or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Review of Financial Systems

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council adopts the Financial Management Regulation Review as presented by the CEO in accordance with Section 5 of the *Local Government (Financial Management) Regulations 1996* and Section 6.10 of the *Local Government Act 1995*.

VOTING REQUIREMENTS: Absolute Majority

AGENDA NUMBER:	12.3
SUBJECT:	Notice of 2016 Annual General Meeting and Local Government Convention
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Western Australian Local Government Association (WALGA)
FILE REFERENCE:	DEP 14
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

The CEO of WALGA, Ricky Burgess, has advised in writing that the AGM for WALGA will be held on **Wednesday, 3 August 2016** as part of the Local Government Convention at the Perth Convention Exhibition Centre between Wednesday, 3 and Friday, 5 August 2016.

Ms Burgess advises that the closing date for submissions of motions for the AGM is **Tuesday, 6 June 2016**. Ms Burgess also advises that any motions proposing alterations or amendments to the Association's Constitution must be received by **Friday, 13 May 2016**.

Ms Burgess further advises that the 2016 Local Government Convention is the premier event for Elected Members and Officers within Local Government. The Association's AGM, as an integral part of this event, is a critical forum for mobilising the views of Western Australian Councils, confronting emerging issues and developing directions forward for our sphere of government.

COMMENT:

Should Council wish to submit notices of motions, the guidelines attached should be followed in the formulation of motions.

This is also an ideal time for Councillors to consider whether they wish to attend the Local Government Convention. The draft 2016/2017 Budget has provision for four (4) Councillors plus the CEO to attend this year's Conference.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

An allocation for Conference fees and associated accommodation expenses are provided for in Council's normal Budget process.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Provide a Stable, Consistent and honest Government

RECOMMENDATION:

That Council:-

1. Considers whether it wishes to submit motion/s to the Annual General Meeting of the Western Australian Local Government Association to be held on Wednesday, 3 August 2016 and if so, provide same to the CEO for submission to WALGA by 7 June 2016; and
2. Councillors interested in attending the Local Government Convention, nominate themselves accordingly to enable staff to organise registrations and accommodation for the 3 day Convention.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.4
SUBJECT:	Partnership Proposal
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Tom Wilde Motorsport
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

Mr Tom Wilde, Australian Rally Driver and ex-Nannup resident, writes to advise that he is again competing in the Australian Rally Championship with the first round, being the Quit Forest Rally, that is being conducted in Nannup and Busselton on the 23rd and 24th April 2016.

Mr Wilde writes to promote the opportunity of creating a partnership between the Shire of Nannup and himself for the 2016 campaign for him to become the Australian Rally Champion, with a particular focus on Round 1 in Nannup.

Mr Wilde advises that in the past, he is aware of the City of Busselton supporting a local Busselton driver for the event and he took the City's branding to the Eastern States when competing in national competitions.

Mr Wilde believes that the Quit Forest Rally is a great event for Nannup and he would be more than happy to work with the Shire of Nannup to promote Nannup before and during the event.

COMMENT:

Mr Wilde provided the CEO with a Partnership Prospectus which included three levels of sponsorship. The Prospectus did not detail the level of funding associated with the sponsorship.

The CEO wrote to Mr Wilde advising that Council's 2015/2016 Budget does not have an allocation for sponsorship of this type but did advise that Council was currently in the development phases for its 2016/2017 Budget and Council may wish to give consideration to a sponsorship proposal for the 2016/2017 financial year, which would include remaining 2016 Rally Championship events and the 2017 Quit Forest Rally.

Mr Wilde was requested to provide additional information for Council consideration.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

2016/2017 Budget considerations

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Economy - Strategy 2.2 Tourism/Recreation – Marketing and Branding of the Shire for promotion purposes.

RECOMMENDATION:

That Council endorses the actions of the CEO in advising Mr Wilde that it is unable to entertain sponsorship for the 2016 Quit Forest Rally due to funding not being available in the 2015/2016 financial year but Council would consider a more detailed offer during its 2016/2017 Budget deliberations that would include the promotion of Nannup for the remaining 2016 Australian Rally Championship events and for the 2017 Quit Forest Rally.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.5
SUBJECT:	Original 1865 Nannup Traffic Bridge Pylons
LOCATION/ADDRESS:	Blackwood River, Nannup
NAME OF APPLICANT:	Cr Charles Gilbert
FILE REFERENCE:	ADM 4
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

Cr Gilbert has written to Council requesting that the Shire consider and develop a proposal to recover, preserve and display the two remaining wooden pylons of the original Bridge over the Blackwood River that was constructed and opened to traffic in 1865.

Cr Gilbert advises that the two pylons are a testament to the value of convict labour who constructed so much of the traffic route between Busselton and the Warren inclusive of the Lower Blackwood as the area of Nannup was then known. Cr Gilbert advises that two pylons on the northern bank of the river have been lost in recent years and it may be just a question to time for these last two pylons to remain.

Cr Gilbert indicates that the proposal could be located and enhance the walk trail to the river foreshore adjacent to the existing road bridge at the northern entry to the town by way of display, improvement to the physical aspect of the existing trail and additional interpretative signage indicating aspects of the four bridges that have been built at this site as well as the reasons for and impact of the selection of the site.

Cr Gilbert considers that sufficient resources exist with the town site to develop and realise such a project which could celebrate the 150th anniversary of the opening of the first bridge at this site, an occasion which occurs around December of this year.

COMMENT:

The CEO informed Council at the March 2016 Information Session that he was in receipt of the above correspondence but it had not been included in the March 2016 Ordinary Council Meeting Agenda.

To progress this matter, particularly with access to the Blackwood River to remove the old pylons, the CEO contacted the Department of Water who advised that a Permit under Section 11, 17 and 21A of the *Rights in Water and Irrigation Act 1914* was required as interference with the River bed and banks would occur.

A Permit application has been submitted to the Department of Water in anticipation that Council would support the removal of the pylons and the establishment of a permanent display for the pylons to recognise their historical significance.

The CEO and Manager for Infrastructure met with Cr Gilbert and Mr Neville Tanner, representative of the Nannup Historical Society, to discuss the processes of removal of the pylons if Council was successful in its Permit application.

STATUTORY ENVIRONMENT:

Section 11, 17 and 21A of the *Rights in Water and Irrigation Act 1914*

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Costs associated with the removal of the pylons.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community - Strategy 1.1 All of Us/Who we Are – Marketing and Branding of the Shire for promotion purposes.

RECOMMENDATION:

That Council recognises the historical significance of the original 1865 Nannup Traffic Bridge pylons and endorses the actions of the CEO to date in applying for a Permit under Section 11, 17 and 21A of the *Rights in Water and Irrigation Act 1914* for permission to access the banks of the Blackwood River to remove the pylons with the intent of establishing a permanent display with interpretative signage.

VOTING REQUIREMENTS: Simple Majority.

AGENDA NUMBER:	12.6
SUBJECT:	Nannup Community House
LOCATION/ADDRESS:	Cnr Brockman Street and Warren Road, Nannup
NAME OF APPLICANT:	Ms Tina Duncan
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 April 2016

BACKGROUND:

Ms Duncan writes to advise that she is a user of the Community House in Nannup, through CWA (on a monthly basis) and the craft ladies (which is weekly). Ms Duncan also advises that CWA runs a Bingo afternoon for our elderly people, and of course the OP Shop is open several times a week.

Ms Duncan advises that she finds it hard to believe that the Community House has no hot water facilities. The majority of users are older or senior citizens of Nannup. Therefore, a lack of hot water for cleaning or washing up can be seen as an occupational, health and safety concern.

Ms Duncan also points out that there is no heating or cooling for this well used house and the users rely on small heaters in winter and fans in summer. This means cords running across floors that could result in falls or an overload of the electrical wiring. A small reverse cycle air conditioner in the main area would perhaps be the best option.

COMMENT:

There had been previous requests for a hot water system to be installed at the Community House and surplus funds in the 2015/2016 financial year has enabled this to be undertaken with installation to occur on or around Friday, 15 April 2016.

The CEO responded to Ms Duncan's letter to advise that the hot water system would be installed however, funding at this stage was not available for heating/cooling of the building. The CEO indicated to Ms Duncan that as Council provides the House on a peppercorn rental basis to the users of the facility, maybe the users of the facility could fund raise or seek grant funding for heating/cooling for their user groups.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

RECOMMENDATION:

That Council acknowledges Ms Duncan's letter and endorses the actions of the staff in the installation of a hot water system for the building to accommodate the users and in respect to the additional request of heating/cooling of the facility, Council encourages the users to fund this through their own means via fund raising or grants based on the peppercorn rental that is afforded to the users.

VOTING REQUIREMENTS: Simple Majority.

AGENDA NUMBER:	12.7
SUBJECT:	Request to Waive Facility User Fees
LOCATION/ADDRESS:	Foreshore Park – Long Table Lunch
NAME OF APPLICANT:	South West Food Bowl Association Inc.
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 April 2016

BACKGROUND:

Mrs Barbara Dunnet, Chairperson of the South West Food Bowl Association Inc. has written to Council to advise that the Association has received the invoice for fees for the SW Food Bowl Long table luncheon at the Foreshore Park and are concerned about the fairness of the use of the principle of user pay.

Mrs Dunnet advises that the Association formally objects to the level of fees that have been set and points out the following:-

- The long table lunch did not erect large marquees. 3x3s were used for shade purposes only.
- There was no extra rubbish generated from this function for the Shire to remove and "Supper Road" were self-contained.
- There wasn't additional cleaning of toilets required with 50 people in attendance. The committee made sure the toilets were left clean.

We therefore agree to pay the following fees

- | | |
|-------------------|-----------------|
| • Hire of venue - | \$ 80.00 |
| • Consumer pole - | \$ 42.00 |
| TOTAL | \$122.00 |

Mrs Dunnet advises that the South West Food Bowl Committee had the opportunity to have the function on private property, however it made a conscious decision to hold the event in a public place to Showcase Nannup and its food, infrastructure and attractiveness and to keep people in town. Mrs Dunnet advises that the South West Food Bowl Association would expect that the Shire of Nannup endorses these principles.

COMMENT:

On the 14th March a letter was forwarded to the South West Food Bowl Association advising that it had received approval for its Event Application and that the following fees would be imposed:-

• Venue Hire Foreshore Park	\$ 80.00
• Additional Toilet Cleaning Fee	\$ 100.00
• Public Building Fee	\$ 262.50
• Consumer Pole	\$ 42.00
 Total	 \$ 484.50

At the time of forwarding the letter of approval for the Food Bowl, the CEO also questioned some of the fees imposed, particularly the \$262.50 Public Building Fee however, as Council's Environmental Health Surveyor was unavailable to answer questions in relation to the fees imposed, and as it was in accordance with Council's Fees and Charges Schedule, the letter was forwarded to the Association knowing that there would be an objection that could then be dealt with.

In respect to the Additional Toilet Cleaning fee, this was based upon the fact that in the SW Food Bowls Event Application, it was indicated that up to 150 people would be in attendance and events of this size normally require additional cleaning of the toilet facilities. It was not known at that stage that only 50 people would attend the event.

It is considered that the \$122.00 (Venue Hire fee of \$80.00 and Consumer Pole fee of \$42.00) that the South West Food Bowl believe is a fair amount to pay is appropriate based on the size of the event and there not being the need for Council to impose the \$262.50 Public Building Fee.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS:

Council Policy No.BLD 1 relating to the "Use/Hire of Community Facilities" which states:-

"Should a "not for profit" community group/organisation seek the waiving of any fees and charges imposed for use/hire of a community facility, an application in writing is to be submitted and presented to Council for consideration".

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership - Strategy 5.1 Support Existing and Emerging Community Groups.

RECOMMENDATION::

That Council advises the South West Food Bowl Association that it is prepared to waive the \$262.50 Public Building Fee and \$100.00 Public Toilet Cleaning Fee associated with the Long Table Lunch at the Foreshore Park on Saturday, 2 April 2016 on the condition that the remaining \$122.00 fees are paid.

VOTING REQUIREMENTS: Simple Majority.

COMMUNITY & DEVELOPMENT SERVICES

AGENDA NUMBER:	12.8
SUBJECT:	Development Application for a Proposed Residence and Medical Centre
LOCATION/ADDRESS:	Lot 100 (54) Warren Road, Nannup
NAME OF APPLICANT:	Plunkett Homes for Dr Kushdev Singh
FILE REFERENCE:	A1746
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	20 April 2016
PREVIOUS MEETING REFERENCE:	
ATTACHMENT:	12.8.1 - Location map 12.8.2 - Submissions 12.8.3 - Information from applicant 12.8.4 - Modified plans from applicant

BACKGROUND:

Plunkett Homes have lodged a Development Application on behalf of Dr. Kushdev Singh for a proposed residence and medical practice to be located at Lot 100 (54) Warren Road, Nannup. The site is located between St Thomas More Catholic Church and the Nannup Liquor Store as shown in Attachment 12.8.1.

The owner intends to live on the premises while he establishes a medical practice. In the future, visiting medical practitioners may also stay for short periods and be housed within the residential area of the building.

The Shire administration invited public comment on the Development Application for a period of 42 days by writing to 16 adjoining/nearby landowners and 6 other stakeholders, placing details on the Shire website and having details at the Shire office. The Shire received 3 submissions on the Development Application as outlined in Attachment 12.8.2. The main issue raised in the submissions was that of safe vehicular access and egress to Warren Road.

In accordance with standard practice, the Shire administration provided the applicant with copies of the submissions in order to address concerns and issues where possible. No formal response has been received from the applicant

however the owner has verbally advised that he could consider adjusting the proposed design to address the concerns by Main Roads Western Australia.

COMMENT:

The subject site is zoned Town Centre under the Shire of Nannup Local Planning Scheme No.3 (LPS3). It is also located in the Nannup Mainstreet Heritage Precinct.

It is suggested that the proposed development be considered as 'medical centre' which is defined in LPS3 as meaning "premises used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling)".

'Medical centre' is a "D" use in LPS3 which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

The applicant is proposing a design which is generally consistent with Local Planning Policy LPP008 - Nannup Mainstreet Heritage Precinct and the associated Nannup Mainstreet Heritage Precinct Guidelines. The proposed design is shown in Attachment 12.8.3.

A total of 7 off-street parking bays, including 1 disabled bay, are proposed to be constructed at the rear of the building which will be accessed via a driveway from Warren Road along the northern side of the building. This is consistent with Schedule 11 of LPS3 which requires consulting rooms (which includes a 'medical centre') to include provision for 3 spaces per practitioner.

The applicant had originally proposed to construct a disabled parking bay at the front of the building, parallel to Warren Road and accessed via an additional crossover on Warren Road.

The Shire administration would prefer to see the front of the building appropriately landscaped rather than hard sealed or paved as this would be more in keeping with the character of the main street and consistent with Local Planning Policy LPP008. In addition, Main Roads Western Australia have raised concerns regarding the proposed access to the disabled parking bays at the front of the building and requested that these bays and the access to them be removed from the design for safety reasons.

Following receipt of the advice from Main Roads it was forwarded to the applicant for consideration. The applicant has supplied amended plans which show that the disabled parking bay at the front of the property and the additional crossover have

both been removed and the disabled parking bay relocated to the rear of the building. The amended plans are shown in Attachment 12.8.4.

It is recommended that Council approve the Development Application subject to conditions.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy LPP008 is a non-statutory document which is designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy it determining the Planning Application.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

The services of a regular general practitioner are important to the development of a self-sufficient community.

RECOMMENDATION:

That Council approve the Development Application for a 'residence' and 'medical centre' at Lot 100 (54) Warren Road, Nannup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the Shire. Where the Development Approval has lapsed no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.

3. The provision of one crossover to Warren Road, with the crossover being designed, constructed and drained at the applicant's cost to the satisfaction of the Shire prior to occupation.
4. The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation. The car parking bays are not to be located closer to Warren Road than the proposed building.
5. The vehicle access ways and vehicle manoeuvring areas are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation.
6. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the Shire. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Shire.
7. All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation to the satisfaction of the Shire.
8. The development is to be connected to the reticulated water network prior to occupation.
9. The development is to be connected to the reticulated sewer network prior to occupation.
10. The roof of the building is constructed of corrugated iron or Colourbond (not tiles).
11. The building is painted or clad on colours consistent with Local Planning Policy LPP008 – Nannup Mainstreet Heritage Precinct prior to occupation.
12. The area between the front of the building and Warren Road is to be landscaped using appropriate planting and is not to be hard paved or sealed apart from the entrance ramps indicated on the submitted plans.
13. No external signage is to be erected without the prior approval of the Shire.

14. A dividing fence on or near the southern boundary (adjacent to St Thomas More Catholic Church) is to be constructed prior to 30th April 2018.

Advice

- A. This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B. The applicant is advised that the approved development must comply with all relevant provisions of the Health Act and the Building Code of Australia.
- C. In relation to Condition 3, the Shire will arrange line marking to prevent vehicle parking in the vehicle access area to the property.
- D. In relation to Conditions 6 & 7, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells) before connection into a Shire stormwater legal point of discharge.
- E. Existing trees are encouraged to be retained where possible and practical to enhance the amenity of the site and contribute to the amenity of the town centre.
- F. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

VOTING REQUIREMENTS: Simple Majority.

AGENDA NUMBER:	12.9
SUBJECT:	Advice of Lodgement of Exploration Licences
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	McMahon Mining Title Services P/L on behalf of Venture Lithium P/L
FILE REFERENCE:	TPL 15
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	4 April 2016
ATTACHMENT:	12.9.1 - Correspondence and application details 12.9.2 – Location map

BACKGROUND:

Venture Lithium Pty Ltd have lodged applications for three exploration licences, E70/4838, E70/4839 and E70/4840, to the Department of Mines and Petroleum, a large portion of which are located in the Wheatley, Tanjannerup, East Nannup, Carlotta, Biddelia and Peerabeelup areas of the Shire of Nannup. The information received from the applicant is shown in Attachment 12.9.1 and the location of the exploration area is shown in Attachment 12.9.2.

COMMENT:

Under the Mining Act any works within a gazetted townsite or within 2 kilometres of the boundary of a gazetted townsite require comment from the Local Government. In the case of these applications any proposed drilling operations will be well outside the Nannup townsite however there may be proposed drilling operations along road reserves within the exploration licence areas. Some of the abovementioned roads are controlled by the Shire and some are forestry roads.

The Shire expects that should the applicant wish to enter private property within the exploration licence area that it will notify and liaise with property owners directly as per the requirements of the Mining Act.

It is suggested that Council should advise the applicants that they have no objections to the carrying out of any necessary roadside drilling based on the following general conditions:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;

3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

The Manager Infrastructure is aware of this application and has raised no issues in regards to the possibility of any drilling along any road reserves managed by the Shire.

STATUTORY ENVIRONMENT: Compliance with the *Environmental Protection (Noise) Regulations 1997*, and the *Environmental Protection Act 1986*.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises McMahon Mining Title Services Pty Ltd that it has no objection to the application lodged by Venture Lithium Pty Ltd for Exploration Licences E70/4838, E70/4839 and E70/4840 in the Shire of Nannup subject to the following conditions being adhered to:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.10
SUBJECT:	Advice of Lodgement of Exploration Licences
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Anderson's Tenement Management on behalf of Olaf Frederickson, Benison Holdings P/L & Bull Equities P/L
FILE REFERENCE:	TPL 15
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	18 April 2016
ATTACHMENT:	12.10.1 - Correspondence and application details 12.10.2 – Location map

BACKGROUND:

Olaf Frederickson, Benison Holdings Pty Ltd & Bull Equities Pty Ltd have jointly lodged applications for two exploration licences, E70/4843 and E70/4844, to the Department of Mines and Petroleum, a large portion of which are located in the Cundinup, Tanjannerup and Wheatley areas of the Shire of Nannup. The information received from the applicant is shown in Attachment 12.10.1 and the location of the exploration area is shown in Attachment 12.10.2.

COMMENT:

Under the Mining Act any works within a gazetted townsite or within 2 kilometres of the boundary of a gazetted townsite require comment from the Local Government. In the case of these applications any proposed drilling operations will be well outside the Nannup townsite however there may be proposed drilling operations along road reserves within the exploration licence areas. Some of the abovementioned roads are controlled by the Shire and some are forestry roads.

The Shire expects that should the applicant wish to enter private property within the exploration licence area that it will notify and liaise with property owners directly as per the requirements of the Mining Act.

It is suggested that Council should advise the applicants that they have no objections to the carrying out of any necessary roadside drilling based on the following general conditions:

1. That dust suppression is carried out so that others are not adversely affected;

2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

The Manager Infrastructure is aware of this application and has raised no issues in regards to the possibility of any drilling along any road reserves managed by the Shire.

STATUTORY ENVIRONMENT: Compliance with the *Environmental Protection (Noise) Regulations 1997*, and the *Environmental Protection Act 1986*.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises Anderson's Tenement Management that it has no objection to the applications lodged by Olaf Frederckson, Benison Holdings Pty Ltd and Bull Equities Pty Ltd for Exploration Licences E70/4843 and E70/4844 in the Shire of Nannup subject to the following conditions being adhered to:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and

12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.11
SUBJECT:	Amendment No.18 to the Shire of Nannup Local Planning Scheme No. 3: submitted for adoption
LOCATION/ADDRESS:	Lot 8280 on Plan P201619 Dean Road, Nannup
NAME OF APPLICANT:	Harley Dyskra for Sharon Bastiaansen-Barker
FILE REFERENCE:	TPL1/18
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Peter Clarke - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
PREVIOUS MEETING REFERENCE:	Nil
DATE OF REPORT:	19 April 2016
ATTACHMENTS:	12.11.1 - Location plan 12.11.2 - Documentation from applicant 12.11.3 - Proposed structure plan 12.11.4 - Scheme provisions for adjoining Special Rural Zone (SR14)

BACKGROUND:

The applicant seeks Council's adoption of a scheme amendment to rezone Lot 8280 Dean Road from 'Agriculture' to 'Special Rural' to facilitate the subdivision of the site into three lots of 3 hectares, 4.81 hectares and 7619m².

The site's location is shown in Attachment 12.11.1. The site is 8.57 hectares in area and it contains a dwelling and outbuildings. Dean Road divides the site. Most of the site is located west of Dean Road, with an area of 7619m² east of Dean Road.

The applicant's documentation, which includes a bushfire management plan, is set out in Attachment 12.11.2. The documentation is comprehensive and provides the necessary information and justification required by the *Shire of Nannup Local Planning Scheme No. 3* (LPS3) including land capability and suitability analysis. The documentation provides background information which is generally not repeated in this report. The structure plan is also outlined in Attachment 12.11.3.

FirePlan WA, who prepared the bushfire management plan, advise that the Department of Fire and Emergency Services (DFES) is supportive of the bushfire management plan. The Shire administration has sought confirmation of the DFES advice however the relevant DFES officer is currently on leave.

The site is zoned 'Agriculture' and is within a 'Special Rural Policy Area' in LPS3. The site is located in Policy Area 4 – Nannup West in the endorsed Local Planning

Strategy (LPS). The LPS identifies additional rural residential (special rural) subdivision in the area. Approximately half of the site is within the 1:100 year floodplain and approximately half of the site is classified as a bushfire prone area.

At the time of writing this report, the Shire is awaiting the written decision of the Western Australian Planning Commission (WAPC) on the draft LPS. Based on discussions with Department of Planning officers, it appears the WAPC have recommended the draft LPS is 'certified' (adopted by the WAPC for the purposes of advertising) subject to various modifications. One of the required modifications relates to removing the re-subdivision potential of rural residential lots in the Nannup West locality due to bushfire hazard risks.

COMMENT:

1. Overview

The scheme amendment request is supported and adoption by Council is recommended subject to modifications. This follows an assessment of the proposal against LPS3, the endorsed LPS, draft LPS, relevant State planning policies (SPP) and local planning policies, site conditions and information provided by the applicant.

In summary:

- the scheme amendment request is considered to be consistent with LPS3 and the endorsed LPS;
- FirePlan WA and DFES are satisfied that the bushfire management plan meets WAPC policy requirements;
- it represents a 'rounding off' of rural residential zoning and development in the locality; and
- the site is capable of accommodating two additional dwellings.

While noting the above, the key issues with the scheme amendment request are outlined below.

2. Bushfire risk

While still awaiting formal written confirmation, it appears the draft LPS has now been certified by the WAPC subject to modifications. This means the draft LPS is now considered to be a 'seriously entertained' document which the local government is required to consider in determining planning proposals. It appears that Nannup West is not supported for re-subdivision by the WAPC due to concerns over bushfire risks. The Department of Planning have recently advised there is a need to undertake further bushfire risk planning in the locality before progressing proposals which intensify land use.

It is suggested there is a need to balance the WAPC's determination on the draft LPS for the area compared to LPS3 and the endorsed LPS. As previously mentioned, FirePlan WA are satisfied the bushfire management plan meets WAPC policy requirements and it also appears that DFES is supportive of the bushfire management plan. It is also noted that the landowner engaged the applicant and other sub-consultants prior to recent bushfire management changes.

Subject to Council's determination on this scheme amendment request, there will separately be a need for Council to consider whether there is support for minor 'rounding' off the land still zoned 'Agriculture' in the locality which is within the Special Rural Policy Area. For instance, this includes Lots 8277, 8278 and 8279 Dean Road to the south of the site.

There is one public road that provides access between the Nannup West locality and Mowen Road. The site is essentially at the end of a long no through road. Having only one access route is considered inconsistent with the acceptable solutions in *SPP 3.7 Planning in Bushfire Prone Areas* and it is suggested that the scheme amendment request needs to be considered through the performance principle of SPP3.7.

Related to the above, it is suggested that the Shire shortly starts the process of securing an additional public road link between Barrabup Road and Mowen Road on a suitable alignment. This is likely to be an existing track. This will involve negotiation with the Department of Parks and Wildlife (and possibly other agencies) and is expected to require land swaps. It is expected the process will take time. Once secured, this will provide an alternative access to and from the Nannup West locality and will assist to reduce bushfire risks. It will also assist with economic development through facilitating enhanced access to the locality such as to tourist accommodation premises.

3. Size of proposed Lot 'C'

The Structure Plan proposes that Lot 'C' has an area of 7619m². SPP2.5 *Land Use Planning in Rural Areas* outlines that rural residential lots are between 1 – 4 hectares. A lot under 1 hectare, which is inconsistent SPP2.5, could be seen to have precedent implications.

While noting the above, preliminary feedback from the Department of Planning reveal Lot 'C' could be justified on the basis that Dean Road separates the land parcel and is still of a sufficient size to allow for a development site. Additionally, the average lot size proposed by the Structure Plan is 2.85 hectares which meets the intent of SPP2.5.

The applicant notes there are examples, in other local government authorities, where the WAPC has allowed for rural residential lots which are smaller than 1

hectare. A lot of 7619m² in size can easily provide for its own on-site water capture/storage and effluent disposal. In terms of any potential precedent, there does not appear to be other lots in the locality which are similar (i.e. which have two separate portions divided by a constructed public road). The site is therefore a unique situation and is unlikely to create a precedent.

4. Widening Blackwood River foreshore reserve

The current foreshore reserve adjoining the site is relatively narrow and contains native vegetation.

It is suggested that the structure plan be modified to show a widened foreshore reserve. This is to provide a track on currently cleared land which is suitable for pedestrians, cyclists and fire emergency vehicles. The widened reserve should be at least 10 metres wide but in parts may need to be wider due to the location of native vegetation and aligning and constructing a suitable track. By way of comparison, SR14 condition 6 required a widened foreshore of 20 metres. Enhancing public access to the foreshore, in a way that does not impact native vegetation, is considered a good planning outcome and is consistent with other recent similar proposals e.g. Special Rural Zone No. 15 (former Lot 8271 Brockman Highway, Nannup).

The applicant has recently advised 'We would be happy to work with the Shire to establish an appropriate foreshore reserve along the subject land's western boundary.'

5. Proposed LPS3 provisions/conditions

The proposed Scheme provisions/conditions for the site are very different compared to the adjoining Special Rural Zone (SR14) which are provided in Attachment 12.11.4. While noting this, it is suggested that a number of the SR14 conditions are now superfluous as they are contained in other parts of the LPS3, are addressed in other legislation or are matters that the Shire no longer seeks to address through the planning system e.g. controlling the use of herbicides and pesticides.

It is suggested that the conditions be extended as outlined in the officer recommendation (point 3 in bold) to provide increased statutory certainty.

6. Inclusion of additional lots

There is a small area of land, to the south of Lot 8280, that is zoned 'Agriculture' that is included in the Special Rural Policy Area in LPS3 (Lots 8277, 8278 and 8279 Dean Road).

The Shire administration has previously advised the landowner and the applicant that it is preferable to seek a scheme amendment that includes these additional lots rather than a 'spot' rezoning of only Lot 8280. It is administratively more effective and efficient and there are usually better planning outcomes to include multiple lots rather than a rezoning for a single relatively small lot. While noting this, it is suggested that the scheme amendment proceed on the basis of Lot 8280 only. Any future proposals for Lots 8277, 8278 and 8279 Dean Road will be guided by Council, WAPC and Minister for Planning determinations on this amendment request and the finalised LPS.

7. Alternative options

The Council has a number of options available to it, which are summarised below:

- not support the scheme amendment – this would mean the rezoning could not proceed. This is considered to be contrary to the direction and recommendations in LPS3 and the Council's endorsed LPS;
- support the scheme amendment - choose to support the proposed rezoning as set out in Attachment 12.11.2 either as proposed or with modifications; or
- defer - for a period of time and seek additional information or comment, if deemed necessary, before proceeding to make a decision. This could include awaiting the formal decision of the WAPC on the draft LPS.

8. Next steps

Based on the *Planning and Development (Local Planning Schemes) Regulations 2015*, the scheme amendment is considered to be a 'standard' amendment. The process of undertaking the amendment requires:

- the amendment to be referred to the Environmental Protection Authority for assessment and upon approval to proceed when their advice is received;
- public consultation to be undertaken for at least 42 days as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- reporting to Council following the close of the consultation period. The Council will then determine whether or not to support final adoption of the scheme amendment (with or without modifications). After this, the WAPC will next assess the scheme amendment request with the final decision made by the Minister for Planning.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS.

Various local planning policies (LPP) are relevant in assessing the request including *LPP 11 Development in Flood Prone Areas* and *LPP 21 Bush Fire Management*. LPP's are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by LPPs but is required to have regard to the policies in determining the scheme amendment request.

There are also various SPPs relevant to the scheme amendment request including *SPP2 Environment and Natural Resources Policy*, *SPP2.5 Land Use Planning in Rural Areas*, *SPP3 Urban Growth and Settlement* and *SPP 3.7 Planning in Bushfire Prone Areas*. Complementing SPP3.7 include *Guidelines for Planning in Bushfire Prone Areas* an associated planning bulletin and various fact sheets.

FINANCIAL IMPLICATIONS:

The applicant has paid the required scheme amendment fee in accordance with adopted 2015/16 Schedule of Fees and Charges.

STRATEGIC IMPLICATIONS:

The site forms part of the Special Rural Policy Area in LPS3.

RECOMMENDATION:

That Council:

1. Determines that the Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, contained in Regulation 34, for the following reasons:
 - (a) The amendment proposal is consistent with the endorsed *Shire of Nannup Local Planning Strategy*.
 - (b) The amendment proposal would have minimal impact on land in the scheme area that is not subject of the amendment.
 - (c) The amendment proposal will not result in any significant environmental, social, economic, or governance impacts on land in the scheme area.
 - (d) The amendment proposal is not a complex or basic amendment.
2. Agree to adopt an amendment to the *Shire of Nannup Local Planning Scheme No. 3*, pursuant to section 75 of the *Planning and Development Act 2005*, through rezoning Lot 8280 on Plan P201619 Dean Road, Nannup from

'Agriculture' to 'Special Rural' subject to modifications in points 3 and 4.

3. Amend Schedule 12 of the Scheme through adding Conditions for Special Rural Zone No. 16 (SR16) as follows with modifications outlined in bold:

No.	DESCRIPTION OF LAND	CONDITIONS
SR16	Lot 8280 Dean Road, Nannup	<ol style="list-style-type: none"> 1. Subdivision and development of the site shall be generally in accordance with the Structure Plan, adopted by the Local Government and endorsed by the WAPC, and the Fire Management Plan adopted by the Local Government. 2. Subdivision and development may be considered by the Shire as a variation from the Structure Plan provided that, in the opinion of the Shire, such development would not compromise the intent of the Structure Plan. 3. Any variation to the endorsed Structure Plan not within the general intent of the Structure Plan will require consideration and endorsement of a new Structure Plan in accordance with Schedule 14. 4. The widened foreshore reserve as generally depicted on the Structure Plan is to be ceded free of cost to the Crown and vested in the Shire of Nannup at the time of subdivision. 5. The local government may as a condition of subdivision request the preparation and implementation of a Foreshore Management Plan. 6. All development is to be compatible with the capability of the land, whilst retaining the rural character and amenity of the locality. As such all building materials should be non-reflective and of a colour and texture that complements the existing landscape, unless otherwise approved by the local government.

4. Amend the Structure Plan provided in Attachment 12.11.3 through:

- (a) showing a foreshore reserve generally between 10 – 20 metres wide;
- (b) extending the Building Exclusion Area within 10 metres of existing and proposed property boundaries;

- (c) adding a provision 'The foreshore reserve is indicative and will be determined at the subdivision stage. The foreshore reserve width needs to be sufficient to enable access for pedestrians, cyclists and fire emergency vehicles on currently cleared land.'; and
 - (d) adding a provision 'A Foreshore Management Plan will be prepared and implemented at the subdivision stage. The plan will address matters including fencing, construction of a path and weed management.'
5. Numbers the abovementioned Amendment as Number 18 to *Shire of Nannup Local Planning Scheme No. 3*.
 6. Following the documentation being appropriately modified to address points 3 and 4, authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 18 documents.
 7. Note the Shire will refer Scheme Amendment No. 18 to the Environmental Protection Authority for assessment pursuant to section 81 of the *Planning and Development Act 2005*. Should the Environmental Protection Authority advise that the amendment does not require assessment, advertise the amendment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.12
SUBJECT:	Proposed Draft Detailed Structure Plan A
LOCATION/ADDRESS:	Lot 67 Warren Road, Nannup
NAME OF APPLICANT:	Martin Richards Town Planning + Urban Design
FILE REFERENCE:	A1682
AUTHOR:	Jane Buckland - Development Services Officer
REPORTING OFFICER:	Peter Clarke - Chief Executive Officer
DISCLOSURE OF INTEREST:	
PREVIOUS MEETING REFERENCE:	28 June 2012
DATE OF REPORT:	19 April 2016
ATTACHMENTS:	12.12.1 - Draft Detailed Structure Plan A Report, previously received (available on request) 12.12.2 - Schedule of Submissions 12.12.3 - Schedule of Local Government Corrections & Modifications

BACKGROUND:

The applicant has lodged a draft Detailed Structure Plan for Lot 67 Warren Road, Nannup for consideration by Council.

The site is located immediately to the south of the Nannup town centre, generally bounded by Kearney Street to the north, Warren Road to the east, the northern boundary of Lot 68 Warren Road to the south and the rear boundaries of the lots fronting North Street to the west. It encompasses a portion of the area known as Higgins Swamp.

The draft Detailed Structure Plan was prepared by Martin Richards Town Planning + Urban Design on behalf of and under the direction of their client, the owner of Lot 67 Warren Road.

The lodgement of the draft Detailed Structure Plan prior to subdivision or residential development is a requirement of the Shire of Nannup Local Planning Scheme No.3 (LPS3) under development conditions of SU5, and the adopted Higgins Swamp Structure Plan. The draft Detailed Structure Plan and the associated report have been prepared to satisfy the LPS3 requirement.

Council is advised that since the gazettal of the Planning and Development (Local Planning Scheme) Regulations 2015 and their subsequent introduction in October 2015, the form and status of structure plans (including those previously endorsed) has changed, perhaps most notably in the following respects:

- a) Whereas 'Part 1' of a structure plan document formerly enjoyed statutory status (i.e. the same force and effect as the Scheme), this is no longer the case, and decision makers must now have 'due regard' to all parts of a structure plan, but shall not be bound by it.
- b) Local governments no longer adopt or approve proposed structure plans, but instead submit to the Western Australian Planning Commission (WAPC) a report that includes a recommendation stating whether the Commission should approve the proposed structure plan, and then if so, with or without modifications.

The form and scope of the draft Detailed Structure Plan is regarded as appropriate and compliant with current legislative provisions.

The publicly advertised draft Detailed Structure Plan Report is set out in Attachment 12.12.1. This provides background information which is generally not repeated in this report however the document comprises of a:

- Part 1 – Implementation section; and
- Part 2 – Explanatory section and supporting technical appendices, which includes:
 - Appendix A - Detailed Structure Plan A
 - Appendix B - Higgins Swamp Structure Plan and Report
 - Appendix C - Figure 1 - Location
 - Appendix D - Figure 2 - Land Use
 - Appendix E - Environmental Assessment
 - Appendix F - Figure 3 - Zoning
 - Appendix G - Figure 4 - Higgins Swamp Structure Plan
 - Appendix H - Aboriginal Heritage Inquiry System
 - Appendix I - Figure 5 – Servicing
 - Appendix J - Figure 6 – Section Through.

In accordance with deemed provisions of the Scheme as recently introduced by the *Planning and Development (Local Planning Scheme) Regulations 2015*, the Shire sought public comment on the draft Detailed Structure Plan for a 24 day period through:

- writing to and inviting comments from 27 adjoining/nearby landowners and 14 stakeholders and government agencies;
- placing a public notice once in the Busselton Dunsborough Times;
- placing details on the Shire of Nannup website; and
- information being available at the Shire office.

The Shire received 8 submissions on the draft Detailed Structure Plan which are provided in the Schedule of Submissions in Attachment 12.12.2. The submissions from State Government departments and servicing agencies raise no objections and they typically provide standard advice. The submission from Main Roads Western Australia does however raise issues which are outlined later in this report. The submissions from neighbours and community members are overall supportive.

The applicant has provided additional advice which responds to matters raised in the submissions. These responses have been included in the officer comments in the Schedule of Submissions in Attachment 12.12.2.

The draft Detailed Structure Plan has been referred to Council for its consideration in order to determine a recommendation to the WAPC.

COMMENT:

The subject site has previously been the subject of a Council decision to adopt the Higgins Swamp Structure Plan which comprised Lot 67, together with Lot 68 Warren Road, Lot 700 Higgins Street and Lot 701 Kearney Street.

These four lots are encompassed by SU5, within which Schedule 4 of the Scheme provides a list of special uses (land use classes) that are permissible within the zone, alongside a list of conditions that include the requirement for the preparation and endorsement of a Detailed Structure Plan prior to any subdivision or further residential development.

The adopted Higgins Swamp Structure Plan was approved by Council at its meeting of 28th June 2012, subject to modifications. This Structure Plan establishes the spatial distribution of appropriate land use classes together with development criteria to guide the preparation of the draft Detailed Structure Plan. The draft Detailed Structure Plan is intended to elaborate on design requirements at the site specific level, and as such, inform the preparation of future development applications.

Part 1 (Implementation Section) of the draft Detailed Structure Plan has been reviewed and is considered to be consistent with the adopted Higgins Swamp Structure Plan and general Structure Plan requirements. Minor inaccuracies/oversights are identified and captured within the relevant Schedule of Local Government Corrections and Modifications which is shown in Attachment 12.12.3. Any resulting revision of the documents in accordance with the Schedule would be minor in nature and would not affect the overall intent.

Part 2 (Explanatory Section) of the draft Detailed Structure Plan explores the capacity of the subject site to accommodate a particular development scenario whilst seeking to adhere to requirements contained within Part 1 and relevant

standards of the adopted Higgins Swamp Structure Plan.

It is recommended that Council resolves to inform the WAPC that the draft Detailed Structure Plan for Lot 67 Warren Road, Nannup be approved subject to the applicant satisfactorily addressing the minor corrections/modifications as noted in the Schedule of Local Government Corrections and Modifications.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, Shire of Nannup Local Planning Strategy and LPS3.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

There are no immediate financial implications for Council from the draft Detailed Structure Plan. As planning and design progress, it will be imperative that the landowners/developers install drainage systems that achieve effective stormwater control that meet best practice environmental standards and which ensure lower operating costs for Council. The Council should, in-time, adequately increase budget accounts to ensure that infrastructure is appropriately maintained.

The landowners/developers will meet the cost of providing new infrastructure to service future development and lots in accordance with State Planning Policy.

STRATEGIC IMPLICATIONS:

The site forms part of Policy Area No. 1 – Townsite in the *Shire of Nannup Local Planning Strategy*. The Strategy's recommendation for the policy area is that urban consolidation is encouraged subject to issues of effluent disposal and flooding being addressed where relevant. The site is outside of the 1 in 100 ARI floodplain.

The site represents a logical area to accommodate new development in Nannup.

RECOMMENDATION:

That Council resolves to:

1. Inform the Western Australian Planning Commission that the draft Detailed Structure Plan for Lot 67 Warren Road, Nannup be approved, subject to satisfactorily addressing minor corrections/modifications as identified within the Schedule of Local Government Corrections and Modifications provided in Attachment 12.12.3.
2. Advise the applicant, landowner and submitters of Council's decision.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.13
SUBJECT:	Scott River Bridle Trail/Old Railway Bridge
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 6
AUTHOR:	Louise Stokes – Economic & Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	19 April 2016

BACKGROUND:

Funding acknowledgement has been received from Lotterywest to complete the Scott River Bridle Trail planning and to undertake an Engineering Report on the Old Railway Bridge. The total value of this grant is \$43,728.00. As this funding is over \$5,000, Council is required to accept the funding as per Council policy FNC 6.

COMMENT:

The Scott River Bridle Trail feasibility plan was adopted by Council at the January 2015 meeting. The Heritage Bridle Trail network follows the path of stock routes throughout the region. This concept was identified in the development of the Shire of Nannup Cultural Plan and approved as a priority project.

Information reports throughout the process have outlined the trail alignment and consultation has been undertaken with community members, the Department of Parks and Wildlife and the Shire of Bridgetown Trails Manager. Correspondence has been forwarded to the Shire of Bridgetown-Greenbushes to integrate this trail into the main Bridgetown to Broke Inlet trail.

This trail, once constructed, would form part of the Nannup Trails Hub and could potentially link to the Margaret River Bridle Trails.

This next stage of funding will complete the planning to construction stage.

The engineering report for the Old Railway Bridge is critical to the ongoing maintenance schedule of this infrastructure. The Old Railway bridge is the only pedestrian crossing of the Blackwood River to the north of town and is the entry point to Nannup for the Munda Biddi and Timberline Trails. The engineering report will assist to develop a maintenance schedule into the future.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: \$3,000 contribution from Council.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Plan 2013 – 2023:

4.3 Our Sustainable Future: Promote a healthy lifestyle and alternative methods of transport: Improve bike and pedestrian friendly path network.

RECOMMENDATION:

That Council accept the funding of \$43,728.00 from Lotterywest to undertake the Engineering Report of the Old Railway Bridge and the final planning of a bridle trail from the Nannup Townsite to Scott River.

VOTING REQUIREMENTS: Simple Majority.

WORKS & SERVICES

AGENDA NUMBER:	12.14
SUBJECT:	Main Roads Naming Request
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Main Roads Western Australia
FILE REFERENCE:	WRK 23
AUTHOR:	Chris Wade – Manager Infrastructure
REPORTING OFFICER:	Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST:	
DATE OF REPORT	18 April 2016

BACKGROUND:

The Warren Road Traffic Bridge is a Main Roads Western Australia (MRWA) asset and as such has management of this asset.

COMMENT:

Council has received communications from MRWA regarding a request they have received from a local resident to have signs with the local indigenous name (Goorbalbilyup) for the waterway that passes under the bridge installed.

MRWA does not have any objections to installing the requested signs but only if there was strong community support from the local community and clearly ascertain that the name is correct.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

Council place an information note in the local paper and newsletter seeking feedback from the community as to the naming and erection of signs on the Warren Road Traffic bridge "Goorbalbilyup".

VOTING REQUIREMENTS: Simple Majority

FINANCE & ADMINISTRATION

AGENDA NUMBER:	12.15
SUBJECT:	Proposed 2016/17 Fees and Charges
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC10
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	23 April 2015
ATTACHMENTS:	12.15.1 – Proposed Schedule of Fees and Charges for 2016/17

BACKGROUND:

Officers have reviewed Council's fees and charges for the services offered for the 2016/17 financial year. The attached list shows the current and proposed fees and charges.

These fees and charges will be used to develop the 2016/17 budget due to be presented to Council in draft form on 16 June 2016.

COMMENT:

For 2016/17 most fees and charges have been reviewed in the light of what the market will bear and statutory requirements; uplifts have been based around any external increases that apply to the fee i.e. Consumer Price Indexation (CPI), utility and insurance increases as well as internal increases relating to wages where applicable. Within waste fees and charges an overall increase of between 10% - 15% has been applied as a direct attempt to close the actual gap between revenue collected and the actual expense of running this facility. Within all of the fees and charges listed once the new percentage increase has been applied it has then been rounded to a manageable figure for practical application.

Fees are shown inclusive of any GST so that Council can see the full fee charged for the service. The schedule has been annotated to indicate whether the fee includes GST. The GST element of the fee is not retained by the Council.

Some of the fees and charges are set through regulations (for example, some Planning and Health fees). The schedule has been annotated to indicate whether or not the fee is set by statutory regulations. These fees can only be adjusted as

and when advice is received of changes and as a result statutory fees may change over the financial year.

Other changes to the fee structure are described in the paragraphs below.

Hire of Facilities

Fees within this area are recommended to increase by 5%. The reasoning behind this increase is that included within the upkeep of these facilities are CPI costs at 2.7%, employment costs at 3%, and utility costs estimated to be 7%.

Continued in 2016/17 within the fees and charges will be a discount for our community groups who book facilities on a term basis. This should help to alleviate the increases as much as possible.

Waste

Costs associated with the service charge for both domestic refuse collection and recycling have been increased by 10%. As mentioned earlier this is in an attempt to close the gap between the costs associated with this service and eventually arrive at a full cost recovery model.

2014/15 saw the introduction of the *Waste Avoidance and Resource Recovery Act 2007 (WARR Act)* as a way of recouping costs associated with running our Waste Management facility. This has been well accepted by the community at large and officer recommendation is for this to continue.

A continuing issue for a small minority of ratepayers has been that if you own more than one property within the Shire of Nannup then this WARR Act fee was imposed multiple times. Research has shown that a policy can be introduced that would see ratepayers within this category not charged in multiples under certain circumstances. A draft policy to address this issue will be completed and brought to Council at the May meeting and this should address the concerns raised.

It is proposed that for the 2016/17 year the WARR Act levy imposed should be \$53 per applicable assessment. This will see the burden imposed on rates income as a result of expenses relating to waste management reduced. Officer recommendation is that this levy be increased by 20% annually from the 2017/18 year onwards until such time as full recovery is achieved.

For all tip users who do not reside within the Shire of Nannup the option to purchase an out of town tip pass applies for their domestic waste disposal. This fee has been increased by 15%.

New Fees and Charges

Electric Vehicle Charger Fees

The new electric vehicle charger will see a new fee added to fees and charges for 2016/17. Discussions with participating shires, E-Station and RAC have been concluded with the agreed charge being set by kilowatt hour. For the 2016/17 year the agreed rate is set at \$0.45 per kilowatt hour. Calculations on a Tesla

vehicle using this facility to fully charge its batteries would be \$3.50 at the Council electricity rate of \$0.27cents per kilowatt hour. The Shire of Nannup will receive \$6.00 from E-Station per charge, which includes costs associated with on-going maintenance of the facility.

Building Services Fees

Two new fees have been added to the building service area. These fees are not anticipated to be used in large quantities however have been included so that if the work is required there will be a means of recovery. Both fees relate to works completed without prior permits being obtained.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Sections 6.16 and 6.17; Waste Avoidance and Resource Recovery Act 2007 Sections 66.1 and 66.3

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Council's 2016/17 budget.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

1. Council endorse the proposed Fees and Charges for 2016/17 as listed in Attachment 1 for inclusion in the 2016/17 budget.
2. That Council continue to endorse the proposed increase to \$53 per applicable property in the *Waste Avoidance and Resource Recovery Act 2007* as a means to cover costs associated with operating the Nannup Waste Management Facility
3. That Council endorse that the annual increases in the *Waste Avoidance and Resource Recovery Act 2007* be set at 20% until such time as full recovery is achieved.

VOTING REQUIREMENTS: Simple Majority.

AGENDA NUMBER:	12.16
SUBJECT:	Donnelly River Lease – Hut 3 – Response to bulk letter addressing rating inclusion from 2016/17 onwards.
LOCATION/ADDRESS:	Donnelly River Lease No 2353/100
NAME OF APPLICANT:	Kevin and Dianne Sparrow
FILE REFERENCE:	
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 April 2016
ATTACHMENTS:	12.16.1 – Letter received from Kevin & Dianne Sparrow

BACKGROUND:

A letter was received from the above applicants raising concerns relating to rates being raised on their leased Donnelly River Hut number 3.

Their focus and concerns are related to the fact that during the three year period that this group of hut owners were in negotiations with Department of Parks and Wildlife the prospect of having rates raised on these leases was not brought to their attention.

It is their perception that clause 5.1 of their signed lease agreement was 'ambiguous' and that they did not understand that this may mean rates may be payable once this lease was signed by both parties.

Further the letter goes on to ask what if any benefits the Shire of Nannup offers these lease owners in return for rates payable.

COMMENT:

While it is understandable that as a lease holder, if you were not aware of the ability for a Local Government to rate your leased property at the outset of the agreement then receiving this notification of impending rates would raise concerns, it is still officers recommendation that these rates are applicable to these owners.

The fact that Department of Parks and Wildlife did not seek to include the Shire of Nannup in the negotiations between the two parties is not something that the Shire of Nannup can comment on however in hindsight if consultation had have

occurred this may have alleviated this angst now shown by the lease holders of these properties.

In terms of benefits supplied to the lease holders in return for rates paid this is acknowledged as being limited however this land is within the Shire of Nannup boundaries and in an effort to reduce the rate burden on the remaining 13% of ratepayers within the shire once a property becomes rateable then it should be included within the rate base moving forward.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 6.26

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Inclusion of 33 leased properties within the rate base for duration of leased agreements.

STRATEGIC IMPLICATIONS:

Strategic Community Plan – 6.1

Be an exemplar of sustainability - Balance our environment, social and financial requirements.

RECOMMENDATION:

That Council write to Mr & Mrs Sparrow acknowledging their concerns but advising that as per the Local Government Act 1995 Section 6.26 rates will be raised on these leased properties for the duration of the leased term.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.17
SUBJECT:	Budget Monitoring – March 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	28 April 2016
ATTACHMENTS:	12.17.1 – Financial Statements for the period ending 31 March 2016 12.17.2 – Table Showing Detailed Variances for March 2016

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$5,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.17.1.

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

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

COMMENT:

As part of Council's statutory compliance an annual review of the financial budget was completed earlier in the year. These trends will continue to be monitored throughout the year with only new variances reported each month. For the period ending March 2016 no new variances were identified.

Attachment 12.17.2 provides detailed breakdowns of income and expenditure incurred within the period 1 July 2015 and 31 March 2016 and the associated annual budgets. These are broken down into four columns. The annual budget within the schedule, the budgeted year to date figures, actual spend to date and variance between budgeted year to date and actual.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 31 March 2016 be received.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.18
SUBJECT:	Monthly Accounts for Payment - March 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	28 April 2016
ATTACHMENTS:	12.18.1 – Accounts for Payment – March 2016 12.18.2 – Credit Card Transactions – March 2016

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 31 March 2016 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

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

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

Municipal Account

Accounts paid by EFT	8130 - 8217	\$204,781.22
Accounts paid by cheque	19997 – 20012	\$15,641.42
Accounts paid by Direct Debit	DD9547.1 to DD9556.7	\$31,033.87
Sub Total Municipal Account		<hr/> \$251,456.51

Trust Account

Accounts paid by EFT	\$0.00
Accounts Paid by cheque	<hr/> \$0.00
SubTotal Trust Account	<hr/> \$0.00
Total Payments	<hr/> \$278,982.45 <hr/>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$251,456.51 for period 1 March 2016 to 31 March 2016 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple Majority

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

13.1 OFFICERS

13.2 ELECTED MEMBERS

**14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)**

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE
PUBLIC**

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

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

17. CLOSURE OF MEETING



Agenda Attachments

Item	Attach	Title
12.2	1	Financial Management Systems Review April 2016
12.8	1	Location map
	2	Submissions
	3	Information from applicant
	4	Modified plans from applicant
12.9	1	Correspondence and application details
	2	Location map
12.10	1	Correspondence and application details
	2	Location map
12.11	1	Location plan
	2	Documentation from applicant
	3	Proposed structure plan
	4	Scheme provisions for adjoining Special Rural Zone (SR14)
12.12	1	Draft Detailed Structure Plan A Report, previously received (available on request)
	2	Schedule of Submissions
	3	Schedule of Local Government Corrections & Modifications
12.15	1	Proposed Schedule of Fees and Charges for 2016/17
17.16	1	Letter received from Kevin & Dianne Sparrow

Shire of Nannup
Ordinary Council Meeting Agenda: 28 April 2016

12.17	1	Financial Statements for the period ending 31 March 2016
	2	Table Showing Detailed Variances for March 2016
12.18	1	Accounts for Payment – March 2016
	2	Credit Card Transactions – March 2016



Shire of
Nannup
rest • connect • grow

Minutes

Council Meeting held Thursday 31 March 2016

CONFIRMATION OF MINUTES

These minutes comprising pages 1 – 54 were confirmed by
Council on 28 April 2016 as a true and accurate record.

.....
Tony Dean

Contents

Item	Minute	Title	Page
1		Declaration of Opening/Announcement of Visitors	1
2		Record of Attendance/Apologies/Leave of Absence (Previously Approved)	2
3		Response to Previous Public Questions Taken on Notice	2
4		Public Question Time	2
5		Applications For Leave of Absence	2
6		Petitions/Deputations/Presentations	2
7		Declarations of Interest	3
8		Confirmation of Minutes of Previous Meetings	
	16029 16030	Confirmation of Previous Council Meeting Minutes	3
9		Minutes Of Council Committees	
	16031	Receive the Warren Blackwood Alliance of Councils Minutes Receive the Warren Blackwood Alliance of Councils Minutes Receive the WALGA South West Zone Minutes Receive the Business Initiative Group Nannup (BIGN) Minutes	4
10		Announcements By Presiding Member Without Discussion	4
11		Reports By Members Attending Committees	4
12		Reports of Officers	
12.1	16032	Former Quannup Pastoral Lease – Grant of Licence	5
12.2	16033	Public Hearing	8
12.3	16034	New Requirements for Disclosure of Gifts and Contributions to Travel	11
12.4	16035	Annual Performance Appraisal – Chief Executive Officer	13
12.5	16036	Call for Motions – 2016 National General Assembly of Loca Government	16
12.6	16037	Dog Exercise Area – Nannup Town Site	18
12.7	16038	Request to Waive Hire Fees	20
12.8	16039	Advice of Lodgement of Exploration Licences	23

Shire of Nannup
Ordinary Council Meeting Minutes: 31 March 2016

12.9	16040	Development Application for Industry-Extractive (shale)	28
12.10	16041	Budget Monitoring – February 2016	40
12.11	16042	Budget Review 2015/16	42
12.12	16043	Donnelly River Huts inclusion on Rate Base	45
12.13	16044	Policy Changes – FNC 2	50
12.14	16045	Monthly Accounts for Payment - February 2016	52
13		New Business Of An Urgent Nature Introduced By Decision Of Meeting	54
13.1		Officers	
13.2		Elected Members	
14		Meeting Closed To The Public (Confidential Items)	54
14.1		Matters For Which The Meeting May Be Closed	
14.2		Public Reading Of Resolutions That May Be Made Public	
15		Elected Members Motions Of Which Previous Notice Has Been Given	54
16		Question By Members Of Which Due Notice Has Been Given	54
17		Closure Of Meeting	54

Minutes

NBN Co. PRESENTATION

Prior to the commencement of the meeting the Shire President advised that Ms Rachael McIntyre, Community Affairs Manager with NBN Co., was in attendance to provide Councillors with an update for the implementation of Broadband services to the Nannup town site and also the district at large.

Ms McIntyre advised that residents in the Nannup town site would be provided Broadband services via fixed wireless with the remainder of the Shire resident's being serviced by satellite. The fixed wireless construction commencement date was expected to be in the 3rd quarter of 2016 and approximately 180 residents would receive this service. Ms McIntyre advised that it was the intention of NBN Co., to utilise an existing structure in the Nannup town site to transmit these services.

In respect to satellite services for those residents outside of the fixed wireless coverage, Ms McIntyre advised that this would be available from late April 2016 and residents could commence discussions with their service providers regarding connection.

Ms McIntyre advised that residents could monitor the implementation of the above services via NBN Co's., webpage.

At the conclusion of Ms McIntyre's presentation, the Shire President called for questions from Councillors and also invited questions from the gallery. The Shire President thanked Ms McIntyre for her presentation and indicated that Council would welcome further updates during the implementation of Broadband to the Nannup Shire.

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:45pm

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

ATTENDANCE:

Shire President: Cr A Dean

Deputy Shire President: Cr R Mellema

Councillors: C Gilbert, R Longmore, N Steer, A Slater, C Stevenson and P Fraser

Peter Clarke – Chief Executive Officer

Chris Wade – Manager Infrastructure

Tracie Bishop – Manager Corporate Services

APOLOGIES:

Nil

LEAVE OF ABSENCE:

Nil

VISITORS:

Cheryl Brown, Neale Pike, Robin Prime, Julie Kay, Mario Camarri

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Nil

4. PUBLIC QUESTION TIME:

The Shire President invited questions from the Public at: 4:46pm.

No questions were submitted.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

The Shire President advised that Mrs Cheryle Brown had requested the opportunity to address Council on Agenda Item 12.9 which related to a Development Application for industry extractive (shale at Lot 12 Cundinup-Dudinyillup Road, Cundinup.

Mrs Brown advised that she was happy with the majority of the conditions imposed within the recommendation before Council but objected to Condition 8 which imposed a payment of a \$5,000.00 Bond for extraordinary expenses incurred by the local government for the immediate

repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the development.

Mrs Brown considered that the above imposition was inequitable when similar applications had been submitted to Council and no Bond was imposed and this would be setting an unwanted precedent and would deter future applications being submitted. Mrs Brown advised that they were not seeking any special privileges but for the application to be treated equitably.

Mr Neale Pike from Prime Earthmoving also objected to the \$5,000 Bond being imposed based on the size of the operation.

The Shire President thanked Mrs Brown and Mr Pike for their presentation and advised that Council would be considering the application during the course of the meeting and welcomed them to stay in the Chambers.

7. DECLARATIONS OF INTEREST

Nil

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

16029 STEER/SLATER

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 February 2016 be confirmed as a true and correct record.

AMENDMENT

16030 GILBERT/STEVENSON

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 February 2016 be confirmed as a true and correct record subject to Minute No. 16023 having the words "rehabilitation areas excepted" added to the resolution.

**THE AMENDMENT BECAME THE MOTION
THE MOTION WAS PUT AND DULY CARRIED**

CARRIED (8/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

16031 FRASER/MELLEMA

That the following Minutes be received and noted:-

9.1 Warren Blackwood Alliance of Councils

That the Minutes of the Warren Blackwood Alliance of Councils Board meeting held on Tuesday 16 February 2016 be received.

9.2 Warren Blackwood Alliance of Councils

That the Minutes of the Warren Blackwood Alliance of Councils Board meeting held on Tuesday 23 February 2016 be received.

9.3 WALGA South West Zone

That the Minutes of the WALGA South West Zone meeting held on Friday 26 February 2016 be received.

9.4 Business Initiative Group Nannup

That the Minutes of the BIGN meeting held on Thursday 25 February 2016 be received.

9.5 Local Emergency Management Advisory Committee (LEMAC)

That the Minutes of the LEMAC meeting held on Wednesday 3 February 2016 be received.

CARRIED (8/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION
Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
23/03/2016	Road Inspection	C Longmore
30/03/2016	How To Be A Good Councillor Workshop	Cr Longmore
	Blackwood River Valley Marketing Assn	Cr Stevenson
23/03/2016	Road Inspection	Cr Stevenson
30/03/2016	How To Be A Good Councillor Workshop	Cr Stevenson
09/03/2016	Lower Blackwood Vertebrate Pest Management Group	Cr Fraser
23/03/2016	Road Inspection	Cr Fraser
23/03/2016	Road Inspection	Cr Gilbert
23/03/2016	Road Inspection	Cr Steer
23/03/2016	Road Inspection	Cr Slater
30/03/2016	How To Be A Good Councillor Workshop	Cr Slater
23/03/2016	Road Inspection	Cr Dean

12. REPORTS OF OFFICERS

AGENDA NUMBER:	12.1
SUBJECT:	Former Quannup Pastoral Lease – Grant of Licence
LOCATION/ADDRESS:	Part of Lot 13335
NAME OF APPLICANT:	Department of Lands
FILE REFERENCE:	ADM 38A
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 March 2016

BACKGROUND:

At the January 2016 Ordinary meeting of Council a draft copy of the Grant of Licence prepared by the Department of Lands for the former Quannup Pastoral Lease land was presented to Council for consideration.

At the above meeting Council resolved the following with regards to the proposed Grant of Licence:-

16005 STEER/GILBERT

That prior to Council committing to the Department of Land Licence Agreement for the Quannup land, a workshop be held in early February 2016 to discuss the full ramifications and commitments that Council would be required to undertake to promote/advance potential development of the land.

CARRIED (8/0)

A Councillor/staff workshop was conducted on Friday, 12 February at which Mr Ron Pumphrey, Manager Case Management for the South West and Great Southern Regions with the Department of Lands, attended to provide Council with information pertaining to the draft Grant of Licence and other matters regarding the Quannup land.

COMMENT:

At the above Workshop Council indicated to Mr Pumphrey that the proposed 3 year Licence with a further 3 year option was not considered appropriate and that a 5 year Licence with an additional 5 year option was preferred by Council as it would allow adequate time in which to plan for the future development of the site. Obviously Council would be required to show some progress towards potential development within the first 5 years of the Grant of Licence or otherwise the 5 year option may not be exercised by the Department of Lands.

Should Council accept the Grant of Licence on the 5 plus 5 year tenure, it is suggested that Council develops a Working Group of Councillors and staff to investigate options for the future development of the land, with the Working Group reporting periodically to Council on its progress. Options for feasibility studies on future development options could include potential partnerships with developers however, further consideration would need to be given in this regard.

Whilst the Quannup land has significant opportunities for tourism development and would be beneficial to the growth of tourism in the Shire of Nannup, consideration needs to be given to potential costs that could be incurred by Council over the planning period. Acknowledging that such costs are not known at this stage, it is something that must be taken into consideration.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Nil – The Grant of Licence is provided on a Peppercorn rental

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Strategy 3.2 Planning and Building – Develop the South Coast Access and Recreation Opportunities.

RECOMMENDATION:

That Council advises the Department of Lands that it is prepared to accept the Grant of Licence for the Quannup land subject to the following:-

1. That the Grant of Licence be granted for 5 years with the option of renewal for a further 5 year period.
2. Subject to the Department of Lands being agreeable to the requested tenure period and the Grant of Licence being issued, Council establishes a Working Party consisting of Councillors and staff, including the ability to co-opt other members from time to time that Council deems appropriate, to progress future planning of the Quannup land.

VOTING REQUIREMENTS: Simple Majority

16032 FRASER/DEAN

That Council advises the Department of Lands that it is prepared to accept the Grant of Licence for the Quannup land subject to the following:-

- 1. That the Grant of Licence be granted for 5 years with the option of renewal for a further 5 year period.***
- 2. Subject to the Department of Lands being agreeable to the requested tenure period and the Grant of Licence being issued, Council establishes a Working Party consisting of Councillors and staff, including the ability to co-opt other members from time to time that Council deems appropriate, to progress future planning of the Quannup land.***

CARRIED (8/0)

AGENDA NUMBER:	12.2
SUBJECT:	Public Hearing
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Western Australian Local Government Grants Commission (WA LGGC)
FILE REFERENCE:	FNC 6
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016

BACKGROUND:

Dr Chris Berry, A/Manager Executive Support of the WA LGGC has written to advise Council that the Commission is planning to visit the Shire of Nannup for the purpose of a public hearing in accordance with section 11(2)(c) of the *Local Government (Financial Assistance) Act 1995*.

Dr Berry has advised that the hearing has been scheduled to commence at 2.00pm on Wednesday, 20 April 2016 and will take approximately 2 hours.

Commission Members attending the hearing will be:-

- Mr Linton Reynolds (Chairman)
- Mr Ian Carpenter (Commissioner)
- Mayor Carol Adams (Commissioner)
- Mr Paul Omodei (Commissioner)
- Dr Chris Berry (A/Manager Executive Support)

Dr Berry advises that the Commission looks forward to its visit as well as responding to any submission should Council choose to make one.

COMMENT:

The *Local Government (Financial Assistance) Act 1995* is a Commonwealth Act of Parliament and relates to the requirement of State Local Government Grants Commission's conducting public hearings.

Section 11(2)(c) of the above Act states the following:-

11 Allocation among local governing bodies—section 9 payments

- (2) A State is not entitled to payment of an amount under section 9 in respect of a year unless
- (a) there is a Local Government Grants Commission of the State; and
 - (b) the Commission has made recommendations with respect to the allocation of the amount among local governing bodies in the State; and
 - (c) the Commission:
 - (i) held public hearings (whether or not it also held private hearings) in connection with the recommendations; and
 - (ii) permitted or required local governing bodies in the State or associations of those bodies to make submissions to it in connection with the recommendations.

Council can prepare and present a formal submission to the WA LGGC however, Council is limited in its application for changes to disability factors associated with the allocation of annual Financial Assistance Grants and therefore on this occasion it is not considered warranted to present a formal submission to the Commission.

STATUTORY ENVIRONMENT:

Section 11(2)(c) of the *Local Government (Financial Assistance) Act 1995*.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Annual allocation of Financial Assistance Grants by the WA LGGC.

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION:

That Council notes the advice from the Western Australian Local Government Grants Commission that it will be conducting a Grants Commission Public Hearing on Wednesday, 20 April 2016 at the Shire of Nannup and that the Hearing be advertised through the local media.

VOTING REQUIREMENTS: Simple Majority

16033 LONGMORE/SLATER

That Council notes the advice from the Western Australian Local Government Grants Commission that it will be conducting a Grants Commission Public Hearing on Wednesday, 20 April 2016 at the Shire of Nannup and that the Hearing be advertised through the local media.

CARRIED (8/0)

AGENDA NUMBER:	12.3
SUBJECT:	New Requirements for Disclosure of Gifts and Contributions to Travel
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Department of Local Government and Communities
FILE REFERENCE:	ADM 5
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016
ATTACHMENT:	12.3.1 – Special Governance Bulletin – March 2016 Edition

BACKGROUND:

Ms Jennifer Matthews, Director General of the Department of Local Government and Communities, has written to Council to advise that the *City of Perth Act 2016* received Royal Assent on 3 March 2016 and amends the gift and contributions to travel provisions within the *Local Government Act 1995*. Associated amendments have also been made to the following:-

- The *Local Government (Administration) Regulations 1996*, and
- The *Local Government (Rules of Conduct) Regulations 2007*.

COMMENT:

As of 4 March 2016, the Act requires relevant persons (Councillors and designated employees) who accept a gift worth more than \$200 to disclose this gift, in writing to the CEO within 10 days of receipt. This replaces the previous process of disclosing these in the annual return. All contributions to travel over \$200 must also be disclosed as do multiple gifts or contributions from the same donor where the total value is over \$200.

The threshold for disclosures remains the same as do other disclosures required under the Act for the annual return.

A new section of the Act, 5.89A, now requires the CEO to keep a register of gifts and contributions to travel in the form prescribed and the CEO is to make the

register available for public inspection and to publish it on the local government's official website.

The Department has advised that there are transitional provisions relating to the above Regulations and these have been provided as an attachment to the Agenda document for Councillors information.

STATUTORY ENVIRONMENT:

City of Perth Act 2016, Local Government (Administration) Regulations 1996 and Local Government (Rules of Conduct) Regulations 2007.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Provide a Stable, Consistent and honest Government

RECOMMENDATION:

That Council notes the new requirements for Disclosure of Gifts and Contributions to Travel as per the introduction of the *City of Perth Act 2016* and associated amendments to the *Local Government (Administration) Regulations 1996* and *Local Government (Rules of Conduct) Regulations 2007*.

VOTING REQUIREMENTS: Simple Majority

16034 MELLEMA/STEVENSON

That Council notes the new requirements for Disclosure of Gifts and Contributions to Travel as per the introduction of the City of Perth Act 2016 and associated amendments to the Local Government (Administration) Regulations 1996 and Local Government (Rules of Conduct) Regulations 2007.

CARRIED (8/0)

AGENDA NUMBER:	12.4
SUBJECT:	Annual Performance Appraisal – Chief Executive Officer
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Peter Clarke
FILE REFERENCE:	Personal File
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016

BACKGROUND:

In accordance with Section 5.38 of the *Local Government Act 1995* and the Chief Executive Officer's Contract of Employment, it is a requirement for Council to undertake an annual Performance Appraisal.

The CEO completes the first year of his 3 year Contract of Employment on Thursday, 3 March 2016.

COMMENT:

At the February 2016 Ordinary Meeting Council resolved the following:-

16020 GILBERT/STEER

That Council conducts an annual review of the CEO's performance in accordance with Section 5.38 of the Local Government Act 1995 and Clause 4 of the CEO's Contract of Employment and for this to be undertaken prior to the March 2016 Ordinary Meeting to allow an appropriate Report to be presented to Council on the Review process.

CARRIED (8/0)

Council had scheduled the Review to be conducted at 1.00pm on 31 March 2016, just prior to the Council meeting.

The CEO had prepared a report to Council in accordance with Clause 4.1 of the Contract which addressed the Performance Criteria as outlined in the Contract of Employment and this was forwarded to Councillors on 17 March 2016 for their perusal.

As per the CEO's Report to the February 2016 Ordinary meeting,

4.4 Procedure

A performance review conducted under this Clause 4 shall take the format of the following procedure:

- (a) as soon as practicable after receipt of notice pursuant to Clause 4.2, the Officer will prepare a report assessing the Officer's own performance of the Officer's obligations under this document measured against the Performance Criteria;
- (b) the Officer will present his report to the Council, and be available for interview;
- (c) ***within one month of the conclusion of the performance review the Council shall prepare a report, in consultation with the Officer, to be signed by both the Council and the Officer, with such a report to include:***
 - (i) ***any conclusions about the Officer's performance during the period the subject of the performance review;***
 - (ii) ***any proposal by either party to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer on any such proposal;***
 - (iii) ***any directions or recommendation made to the Officer in relation to future performance by the Officer or the Officer's obligations under this document; and***
 - (iv) ***details of the extent, if any, to which the Officer disagrees with any statement in the report.***

STATUTORY ENVIRONMENT:

Section 5.38 of the *Local Government Act 1995* relating to annual reviews of certain employees' performances states the following:-

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council authorises the Shire President to prepare a report for signing by both the Shire President and CEO based on the outcomes of the Review process undertaken by Council on 31 March 2016 and being in accordance with Clause 4.4 of the CEO's Contract of Employment.

VOTING REQUIREMENTS: Simple Majority

16035 DEAN/MELLEMA

That Council authorises the Shire President to prepare a report for signing by both the Shire President and CEO based on the outcomes of the Review process undertaken by Council on 31 March 2016 and being in accordance with Clause 4.4 of the CEO's Contract of Employment.

CARRIED (8/0)

AGENDA NUMBER:	12.5
SUBJECT:	Call for Motions – 2016 National General Assembly of Local Government
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Australian Local Government Association
FILE REFERENCE:	FNC 6
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2016

BACKGROUND:

Mayor Troy Pickard, President of the Australian Local Government Association (ALGA), writes to advise that the National General Assembly (NGA) of Local Government to be held at the National Convention Centre in Canberra between 19 and 22 June is an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues.

Mayor Pickard advises that every council has the opportunity to raise relevant issues for debate at the NGA and he invited Council to participate in the 2016 NGA by submitting a motion for consideration.

COMMENT:

To be eligible for inclusion in the NGA Business Papers, motions must follow the principles set out by the ALGA Board, namely

1. Be relevant to the work of local government nationally;
2. Be consistent with the theme of the NGA;
3. Complement or build on the policy objectives of the state and territory local government associations;
4. Propose a clear action and outcome; and
5. Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.

Motions are required to be submitted no later than 22 April 2016.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council notes ALGA's call for Motions for consideration at the 2016 National General Assembly of Local Government in June 2016 and that should Council wish to submit same, it notes the deadline for motions to be submitted by 22 April 2016.

VOTING REQUIREMENTS: Simple Majority.

16036 SLATER/LONGMORE

That Council notes ALGA's call for Motions for consideration at the 2016 National General Assembly of Local Government in June 2016 and that should Council wish to submit same, it notes the deadline for motions to be submitted by 22 April 2016.

CARRIED (8/0)

AGENDA NUMBER:	12.6
SUBJECT:	Dog Exercise Area – Nannup Town Site
LOCATION/ADDRESS:	Public Transport Authority Leased Land
NAME OF APPLICANT:	Mrs Valerie Tanner on behalf of “Friends of Nannup Foreshore Group”
FILE REFERENCE:	ADM 16
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	21 March 2016

BACKGROUND:

Mrs Tanner writes on behalf of the “Friends of Nannup Foreshore Group” who for the past 6 years have been heavily involved in weeding, cleaning up and re-vegetating the area that the Public Transport Authority (PTA) has leased to the Shire of Nannup.

Mrs Tanner advises that the Group is not overly enthusiastic about having to share this area with dogs off leads however, they are willing to trial it for 12 months to see if it is amicable to all parties. Following this period, the Group respectfully requests Council to re-visit its ruling on the Designated Dog Exercise area.

COMMENT:

Representatives of the “Friends of Nannup Foreshore Group” met with the CEO following Council’s decision to allocate the PTA land as a designated dog exercise area to express their concerns that dogs will and have knocked over stakes on newly planted seedlings which has made it difficult to identify the new seedlings when clearing works are being undertaken.

The “Group” enquired as to whether the decision of Council in allocating the dog exercise areas was final and whilst the CEO indicated that it was, Council could re-visit this at any stage on the proviso that it engaged in public consultation as per the *Dog Act 1976* relating to designated exercise areas.

The CEO had suggested that a letter to the above effect would then enable Council to review the current area and possibly consider other options at that time.

STATUTORY ENVIRONMENT:

Dog Act 1976

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

RECOMMENDATION:

That Council advises the "Friends of Nannup Foreshore Group" that it is prepared to review Dog Exercise areas in the Nannup town site following the expiration period of 12 months of operation of the allocated Public Transport Authority land.

VOTING REQUIREMENTS: Simple Majority.

16037 FRASER/LONGMORE

That Council advises the "Friends of Nannup Foreshore Group" that it is prepared to review Dog Exercise areas in the Nannup town site following the expiration period of 12 months of operation of the allocated Public Transport Authority land.

CARRIED (8/0)

AGENDA NUMBER:	12.7
SUBJECT:	Request to Waive Hire Fees
LOCATION/ADDRESS:	Nannup Oval and Recreation Centre
NAME OF APPLICANT:	Ms Felicity Machar – Nannup Auskick Coordinator
FILE REFERENCE:	ADM 6
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	22 March 2016

BACKGROUND:

Ms Machar writes to Council as Coordinator of the proposed Nannup Auskick that she is endeavouring to start for the local children in Nannup. Ms Machar advises that she, together with other parents, have been trying to encourage young children to play football in Nannup to cut back families having to travel to Busselton or Manjimup for their children's sport.

Ms Machar advises that the Nannup Auskick will be run on the basis of not-for-profit and relying heavily on volunteers and support from the local community. The proposed times for conducting the Auskick program would be 9.30am to 10.30am on Sunday mornings starting from Sunday, 8 May until Sunday, 18 September 2016.

Ms Machar advises that to establish the Auskick program in Nannup she is formally requesting that Council waives hire fees for the sports oval and occasional use of the Recreation Centre Hall (extreme wet weather use only) for the above time slots. In keeping playing fees and insurance costs to a minimum for local families, the only way they can run the program is for Council to waive the fees.

COMMENT:

It is commendable that Ms Machar and others are endeavouring to get the Auskick program running in Nannup for local children to participate in. Auskick is a very successful program and caters for both boys and girls in learning Australian Rules Football, but more importantly, learning a team sport and remaining physically active. Retaining young children in Nannup to participate in sport is also a positive initiative which in turn reduces travelling for sporting activities.

The requested use of the Nannup Oval is 1 hour per week and Council does not have an hourly usage on its Fees and Charges Schedule. Fees for the Oval Usage are as follows:-

- \$65.00/day
- \$500.00 seasonal fee.

The Recreation Centre Hall hire fees are:-

- \$24.00/hour

Other sporting groups using the Recreation Centre Hall are required to pay the appropriate fees and charges and it would be setting an unwanted precedent to waive these fees. The Auskick participants would only use the Hall on extreme weather days and therefore a \$24/hour fee should not be a huge imposition on the organisers and users costs.

In respect to the Nannup Oval, the use of the playing fields for only 1 hour does not warrant a \$65/day fee and therefore, Council could allow use of the Oval for this period without a fee being imposed. This free usage for what is only a minimal period would show Councils support for the implementation of the Auskick program in Nannup.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS:

Policy BLD 1 – Relating to Use/Hire of Community Facilities:

“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.

Should a “not for profit” community group/organisation seek the waiving of any fees and charges imposed for use/hire of a community facility, an application in writing is to be submitted and presented to Council for consideration”.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership - Strategy 5.1 Support Existing and Emerging Community Groups.

RECOMMENDATION:

That Council advises Ms Felicity Machar, Nannup Auskick Coordinator, that Council is prepared to allow the use of the Nannup Oval free of charge to assist in the development of the Auskick program in Nannup however, fees for the use of the Nannup Recreation Centre Hall will be required to be paid at the rate of \$24.00/hour based on Council's Fees and Charges Schedule.

VOTING REQUIREMENTS: Simple Majority.

16038 MELLEMA/STEER

That Council advises Ms Felicity Machar, Nannup Auskick Coordinator, that Council is prepared to allow the use of the Nannup Oval free of charge to assist in the development of the Auskick program in Nannup however, fees for the use of the Nannup Recreation Centre Hall will be required to be paid at the rate of \$24.00/hour based on Council's Fees and Charges Schedule.

CARRIED (8/0)

AGENDA NUMBER:	12.8
SUBJECT:	Advice of Lodgement of Exploration Licences
LOCATION/ADDRESS:	Carlotta Area
NAME OF APPLICANT:	Lithium Australia NL
FILE REFERENCE:	TPL 15
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	10 March 2016
ATTACHMENT:	12.8.1 - Correspondence and application details 12.8.2 – Location map

BACKGROUND:

Lithium Australia NL have lodged applications for two adjoining exploration licences, E70/4823 and E70/4824, to the Department of Mines and Petroleum, a large portion of which are located in the Carlotta area of the Shire of Nannup.

COMMENT:

Under the Mining Act any works within a gazetted townsite or within 2 kilometres of the boundary of a gazetted townsite require comment from the Local Government. In the case of these applications any proposed drilling operations will be well outside the Nannup townsite however there may be proposed drilling operations along road reserves within the exploration licence areas. Some of the abovementioned roads, including Coronation Road, Gold Gully Road, Graphite Road, Mt Leewin Loop Road, Sears Road and Stallard Road, are controlled by the Shire and some are forestry roads.

The Shire expects that should the applicant wish to enter private property within the exploration licence area that it will notify and liaise with property owners directly as per the requirements of the Mining Act.

It is suggested that Council should grant approval to the applicant to carry out any necessary roadside drilling based on the following general conditions:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;

4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

The Manager Infrastructure is aware of this application and has raised no issues in regards to the possibility of any drilling along Coronation Road, Gold Gully Road, Graphite Road, Mt Leewin Loop Road, Sears Road and Stallard Road.

STATUTORY ENVIRONMENT: Compliance with the *Environmental Protection (Noise) Regulations 1997*, and the *Environmental Protection Act 1986*.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises Lithium Australia NL that it has no objection to the application for Exploration Licences E70/4823 and E70/4824 in the Carlotta area of the Shire of Nannup subject to the following conditions being adhered to:

1. That dust suppression is carried out so that others are not adversely affected;
2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;
3. Any ground water that escapes onto the ground around the drill site is to be banded so that it does not spread;
4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;
5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;
6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;
7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);
8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;
9. All drill holes are to be capped as soon as possible/practical after drilling;
10. If working within 100m of a residence, all noise generated is to be limited in accordance with the *Environmental Protection (Noise) Regulations 1997*, in particular when working between 7:00pm and 7:00am;
11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and
12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

VOTING REQUIREMENTS: Simple Majority

16039 STEER/LONGMORE

That Council advises Lithium Australia NL that it has no objection to the application for Exploration Licences E70/4823 and E70/4824 in the Carlotta area of the Shire of Nannup subject to the following conditions being adhered to:

- 1. That dust suppression is carried out so that others are not adversely affected;***
- 2. That any saline ground water found is contained by pumping it into a water trailer and disposed of through normal mining practices under the terms of the company's mining conditions;***
- 3. Any ground water that escapes onto the ground around the drill site is to be bunded so that it does not spread;***
- 4. All containers used for soil samples, including plastic bags, are to be removed from the site and disposed of in a suitable manner;***
- 5. All rubbish is to be disposed of at the nearest local landfill site in the appropriate manner;***
- 6. A firefighting unit with a minimum capacity of 1,000L is to be available at all times, and drilling is to cease if a total fire and harvest ban is called;***
- 7. No drill holes are to extend under any public roadways. Drilling being carried out is not to interfere with road drainage and must be beyond the batter line (this is to minimise damage to capped drill holes during maintenance grading);***
- 8. Safety signs are to be erected in accordance with Australian Standards to warn both mining staff, contractors, site visitors and the general public;***
- 9. All drill holes are to be capped as soon as possible/practical after drilling;***
- 10. If working within 100m of a residence, all noise generated is to be limited in accordance with the Environmental Protection (Noise) Regulations 1997, in particular when working between 7:00pm and 7:00am;***
- 11. A traffic management plan is required to be submitted to and approved by the Shire of Nannup; and***

12. The proposed drilling work is advertised in the local "Nannup Telegraph" prior to any work commencing to notify the general public of this work; the applicants are to discuss and obtain approval to access private property prior to the company or its contractors accessing this land.

CARRIED (7/1)

Voting for the motion Cr's Dean, Mellema, Slater, Steer, Gilbert, Fraser & Longmore

Voting against the motion Cr Stevenson

AGENDA NUMBER:	12.9
SUBJECT:	Development Application for industry-extractive (shale)
LOCATION/ADDRESS:	Lot 12 on Plan 23245 Cundinup-Dudinyillup Road, Cundinup
NAME OF APPLICANT:	Prime Earthmoving Busselton for Gerald & Cheryle Brown
FILE REFERENCE:	A1378
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Peter Clarke - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
PREVIOUS MEETING REFERENCE:	Nil
DATE OF REPORT:	23 March 2016
ATTACHMENTS:	12.9.1 Information from applicant 12.9.2 Location plan 12.9.3 Submissions 12.9.4 Applicant response to key submission issues

BACKGROUND:

The applicant has lodged a Development Application for an extractive industry of shale (generally boulder sized quartz with a coarse sand matrix). Information submitted by the applicant is provided in Attachment 12.9.1 which include a Development and Operations Plan by Greg Harewood (Environmental Management Consultant). This contains management plans for noise, dust, dieback, drainage and rehabilitation.

The application seeks approval to extract shale for an area of approximately 5.8 hectares with an estimated resource of 87,000m³. The average thickness of the shale resource is estimated to be 1.5 metres and the maximum thickness is estimated to be 3 metres.

The location of the application site is shown in Attachment 12.9.2 which is approximately 13 kilometres north-east of Nannup.

The site is 170.68 hectares in area, the extraction area is cleared, the site is in part designated as a bushfire prone area, and the property is zoned 'Agriculture Priority 2' in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). As set out in the LPS3 Zoning Table, 'Industry - Extractive' is an 'A' use in the Agriculture Priority 2 Zone. This means a Development Application can legally be applied for and the local government is able to determine the application following advertising.

The Shire administration invited public comment on the Development Application for a 6 week period by writing to 7 adjoining/nearby landowners and 15 other stakeholders, placing a public notice in the Busselton-Dunsborough Times, placing a sign on site, placing details on the Shire website and having details at the Shire office. The Shire received 13 submissions on the Development Application which are outlined in Attachment 12.9.3. The main issues raised in the submissions relate to road maintenance, safety of road users, managing surface water runoff and environmental management.

In accordance with standard practice, the Shire administration provided the applicant with copies of the submissions in order to address concerns and issues where possible. Attachment 12.9.4 outlines the applicant's response to key submission issues.

COMMENT:

A) Overview

It is recommended that Council approve the Development Application subject to conditions. This follows assessment against LPS3, the Local Planning Strategy, relevant State Government documents, considering the views of the submitters and information provided by the applicant. It is noted, for instance, that:

- no clearing of native vegetation is proposed;
- the extraction area is setback from watercourses;
- no blasting is proposed;
- there are suitable buffers to off-site dwellings; and
- shale resources are important to the district and region.

It is suggested that if the operation is suitably managed and planning conditions are met, that environmental considerations, site restoration and impact on the Shire road system can be appropriately addressed. While noting this, there are various issues associated with the industry-extractive use and associated vehicular access which should be considered by the Council in determining the Development Application. Some of these issues are outlined below and other issues are outlined in Attachment 12.9.3.

B) Traffic impacts and road maintenance

There were a number of submissions relating to traffic impacts and road maintenance. Some of the issues include a need to widen the creek crossing, installing safety rails at the creek crossing, the need for fencing adjoining the Cundinup-Dudinyillup Road, the appropriateness of the cattle grid, the need to prioritise right of way for cattle trucks and ensuring ratepayers are not out of pocket for damages to local roads. The applicant's response to key matters in

Attachment 12.9.4 is noted including that there are other users of Cundinup-Dudinyillup Road.

The applicant outlines the main haulage route is Cundinup-Dudinyillup Road, Cundinup South Road and Vasse Highway. A variety of trucks will transport the shale including 6 wheelers, semi tippers and road trains ('B' trains). The Development and Operations Plan outlines there will, on average, be 8 to 10 truck movements a day (4 to 5 trips going out and 4 to 5 return trips a day). Page 7 states 'the maximum number of truck movements expected would be around 30 per day (i.e. 15 truck loads) during periods of maximum demand.' The applicant's supplementary advice (Attachment 12.9.4) in part states 'There will be periods of weeks, even months when there will be absolutely no truck traffic into or from the shale pit.'

Cundinup-Dudinyillup Road is unsealed and narrow. The latest traffic vehicle count on Cundinup-Dudinyillup Road revealed an average of approximately 18 vehicles per day with approximately 14% of those vehicles being trucks. The proposed traffic generation from the shale pit, on occasions, is expected see a relatively large increase in heavy haulage traffic on Cundinup-Dudinyillup Road.

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

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

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

- requiring the applicant to install three passing bays on Cundinup-Dudinyillup Road;
- requiring the applicant to appropriately maintain and grade Cundinup-Dudinyillup Road, between the site's entry and Cundinup South Road during the approval period;

- requiring a road maintenance bond of \$5,000 for the repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the shale pit;
- upgrading the vehicular crossover;
- installing and maintaining road signs along transport routes warning other road users of trucks entering and using the public road system;
- a maximum speed of 40 kilometres per hour for heavy vehicles on Cundinup-Dudinyillup Road;
- the need to prioritise right of way for cattle trucks; and
- minimising the potential for conflict between heavy haulage vehicles and school buses.

It is suggested the above represents an equitable approach given the level of proposed development and its associated impacts compared to existing traffic levels. In comparison to haulage associated with tree harvesting a particular block, the expected heavy haulage traffic with carting shale will be over a considerably longer period.

C) Length of development approval

The applicant estimates the project life will be 5 years. It is recommended that the development approval be issued for a period of 5 years rather than an 'opened ended' approval period. It is suggested this provides certainty for the applicant, along with the opportunity for the Council and the Shire administration to review the effectiveness of the operation and associated impacts. The applicant can reapply to extend the industry-extractive use.

D) On-going management and safety

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

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS.

Various Local Planning Policies are relevant in assessing the Development Application including *Local Planning Policy No. 20 - Developer and Subdivider Contributions*. Local planning policies are non-statutory documents which are

designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application.

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

FINANCIAL IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Shale is an important resource within the district and region.

RECOMMENDATION:

That Council approve the Development Application for an industry-extractive use (shale pit) at Lot 12 on Plan 23245 Cundinup-Dudinyillup Road, Cundinup, subject to the following conditions:

General

1. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
2. This development approval is valid until 30 June 2021 after which date the use shall cease unless prior to that date a new Development Application has been submitted to and approved by the local government for the continuation of the use for an extended period.

Pit operation

3. Operation of the pit shall be restricted to the hours of 7.00am-7.00pm Monday to Friday, 7.00am-1.00pm Saturday. No operation at all on Sundays or Public Holidays.
4. No excavation slope, with the exception of the working face, is to exceed a ratio of 1 measure vertical to 3 horizontal.
5. When not in use, the excavation face shall be graded to a maximum of 1 measure vertical to 3 horizontal.

Road upgrading and maintenance

6. The applicant is to install three passing bays on Cundinup-Dudinyillup Road, 6 metres wide in appropriate locations, to the satisfaction of the local government prior to the commencement of operations.
7. The applicant to appropriately maintain Cundinup-Dudinyillup Road, between the site's entry and Cundinup South Road during the course of the approval to the satisfaction of local government.
8. A road maintenance bond of \$5,000 is to be paid to local government prior to the commencement of operations to ensure Cundinup-Dudinyillup Road is maintained to a satisfactory standard. The bond amount is to be maintained at \$5000 for extraordinary expenses incurred by the local government for the immediate repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the development.
9. The vehicular crossover between the subject land and Cundinup-Dudinyillup Road is to be located, designed, constructed, and drained to the satisfaction of the local government prior to the commencement of operations.

Safety of road users

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

Safety on site

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

Environmental management

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

Stormwater management

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

Rehabilitation

18. The applicant shall implement the submitted Rehabilitation Management Plan to the satisfaction of the local government.
19. The excavation site is to be rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the local government prior to 30 June 2021.

Advice

- A) In relation to Condition 7, this will include a system of notification, inspection and post-development repair of the Cundinup-Dudinyillup Road to the satisfaction of the local government.
- B) In relation to Condition 9, any gates should be off-set to ensure trucks are not blocking the Cundinup-Dudinyillup Road when entering the site.
- C) The applicant should liaise with school bus operators to establish a traffic schedule to avoid potential conflict with school bus operations.
- D) The applicant should ensure that its heavy vehicle operators drive responsibly on

Cundinup-Dudinyillup Road, with a maximum speed of 40 kilometres per hour, and drive responsibility on other roads in the Shire of Nannup. There is a requirement to ensure that cattle trucks are given right of way.

- E) No native vegetation shall be removed as part of this extraction operation, unless permitted by a clearing licence or permit issued by the Department of Environment Regulation.
- F) Weeds should be appropriately controlled in accordance with Department of Agriculture and Food guidelines. This in part should address the management of declared weeds under the *Biosecurity and Agriculture Management Act 2007* and the *Biosecurity and Agriculture Management Regulations 2013*.
- G) The extraction should not intercept the groundwater table and dewatering of the extraction area is not permitted without approval of the local government. Measures should be taken to prevent spillage or disposal of machinery fuel, oil or grease products into the ground.
- H) The applicant is encouraged to prepare a Works Safety Plan prior to the commencement of operations which is then appropriately implemented.
- I) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.
- J) The site is in part designated as a bushfire prone area. The applicant should take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.
- K) There is a separate requirement to gain a Restricted Access Vehicles permit prior to operations commencing.
- L) The applicant is encouraged to approach the landowner to install fencing adjoining the Cundinup-Dudinyillup Road.
- M) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

VOTING REQUIREMENTS: Simple Majority

16040 GILBERT/MELLEMA

That Council approve the Development Application for an industry-extractive use (shale pit) at Lot 12 on Plan 23245 Cundinup-Dudinyillup Road, Cundinup, subject to the following conditions:

General

- 1. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.***
- 2. This development approval is valid until 30 June 2021 after which date the use shall cease unless prior to that date a new Development Application has been submitted to and approved by the local government for the continuation of the use for an extended period.***

Pit operation

- 3. Operation of the pit shall be restricted to the hours of 7.00am-7.00pm Monday to Friday, 7.00am-1.00pm Saturday. No operation at all on Sundays or Public Holidays.***
- 4. No excavation slope, with the exception of the working face, is to exceed a ratio of 1 measure vertical to 3 horizontal.***
- 5. When not in use, the excavation face shall be graded to a maximum of 1 measure vertical to 3 horizontal.***

Road upgrading and maintenance

- 6. The applicant is to install three passing bays on Cundinup-Dudinyillup Road, 6 metres wide in appropriate locations, to the satisfaction of the local government prior to the commencement of operations, taking into consideration:-***
 - a. The extended bend at the exit of the extraction area with the associated lack of sight lines.***
 - b. The restriction of passage at the gate at the entrance of the property.***

Separate to the above;

 - c. Remedial action be undertaken to improve sight lines at the entry to Dudinyillup Road off Cundinup South Road.***

- d. Applicant demonstrates that egress from Dudinyillup Road can be safely undertaken by Road Transport that is proposed to be utilised.**
- 7. The applicant to appropriately maintain Cundinup-Dudinyillup Road, between the site's entry and Cundinup South Road during the course of the approval to the satisfaction of local government.**
- 8. A road maintenance bond of \$5,000 is to be paid to local government prior to the commencement of operations to ensure Cundinup-Dudinyillup Road is maintained to a satisfactory standard. The bond amount is to be maintained at \$5000 for extraordinary expenses incurred by the local government for the immediate repair and maintenance of Cundinup-Dudinyillup Road damaged by vehicles associated with the development.**
- 9. The vehicular crossover between the subject land and Cundinup-Dudinyillup Road is to be located, designed, constructed, and drained to the satisfaction of the local government prior to the commencement of operations.**

Safety of road users

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

Safety on site

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

Environmental management

- 12. The applicant shall implement the submitted Noise Management Plan to the satisfaction of the local government.**
- 13. The applicant shall implement the submitted Dust Management Plan to the satisfaction of the local government.**
- 14. The applicant shall implement the submitted Dieback Management Plan to the satisfaction of the local government.**

15. No extraction activities are to occur within 10 metres of any native tree crown drip zone.

16. Any major environmental incident shall be immediately reported to the local government and will require remediation to the local government's acceptance prior to further shale extraction.

Stormwater management

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

Rehabilitation

18. The applicant shall implement the submitted Rehabilitation Management Plan to the satisfaction of the local government.

19. The excavation site is to be rehabilitated in accordance with the approved Rehabilitation Plan to the satisfaction of the local government prior to 30 June 2021.

Advice

- A) In relation to Condition 7, this will include a system of notification, inspection and post-development repair of the Cundinup-Dudinyillup Road to the satisfaction of the local government.**
- B) In relation to Condition 9, any gates should be off-set to ensure trucks are not blocking the Cundinup-Dudinyillup Road when entering the site.**
- C) The applicant should liaise with school bus operators to establish a traffic schedule to avoid potential conflict with school bus operations.**
- D) The applicant should ensure that its heavy vehicle operators drive responsibly on Cundinup-Dudinyillup Road, with a maximum speed of 40 kilometres per hour, and drive responsibly on other roads in the Shire of Nannup. There is a requirement to ensure that cattle trucks are given right of way.**
- E) No native vegetation shall be removed as part of this extraction operation, unless permitted by a clearing licence or permit issued by the Department of Environment Regulation.**
- F) Weeds should be appropriately controlled in accordance with Department of Agriculture and Food guidelines. This in part should**

address the management of declared weeds under the Biosecurity and Agriculture Management Act 2007 and the Biosecurity and Agriculture Management Regulations 2013.

- G) The extraction should not intercept the groundwater table and dewatering of the extraction area is not permitted without approval of the local government. Measures should be taken to prevent spillage or disposal of machinery fuel, oil or grease products into the ground.***
- H) The applicant is encouraged to prepare a Works Safety Plan prior to the commencement of operations which is then appropriately implemented.***
- I) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.***
- J) The site is in part designated as a bushfire prone area. The applicant should take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.***
- K) There is a separate requirement to gain a Restricted Access Vehicles permit prior to operations commencing.***
- L) The applicant is encouraged to approach the landowner to install fencing adjoining the Cundinup-Dudinyillup Road.***
- M) If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.***

CARRIED (7/1)

Voting for the motion Cr's Dean, Mellema, Slater, Steer, Gilbert, Fraser & Longmore.

Voting against the motion Cr Stevenson

REASON FOR ALTERATION TO THE RECOMMENDATION:

In respect to Condition 6, Council considered that additional safety provisions should be implemented by the applicant to ensure that line of sight both at the entrance/exit of the shale pit and also at the Cundinup and Dudinyillup Roads intersection.

AGENDA NUMBER:	12.10
SUBJECT:	Budget Monitoring – February 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	31 March 2016
ATTACHMENTS:	12.10.1 – Financial Statements for the period ending 29 February 2016 12.10.2 – Table Showing Detailed Variances for February 2016

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$5,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.10.1.

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

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

COMMENT:

As part of Council's statutory compliance an annual review of the financial budget has now been completed. Trends were identified and reported on and these will continue to be monitored throughout the year with only new variances reported each month. No new variances were identified within this period and it is still officers opinion that a nil surplus/deficit will be the closing position as at June 30 2016.

Attachment 12.10.2 provides detailed breakdowns of income and expenditure incurred within the period 1 July 2015 and 29 February 2016 and the associated annual budgets. These are broken down into four columns. The annual budget

within the schedule, the budgeted year to date figures, actual spend to date and variance between budgeted year to date and actual.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 29 February 2016 be received.

VOTING REQUIREMENTS: Simple Majority

16041 GILBERT/STEER

It is recommended that the Monthly Financial Statements for the period ending 29 February 2016 be received.

CARRIED (8/0)

AGENDA NUMBER:	12.11
SUBJECT:	Budget Review 2015/16
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 3
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	3 March 2016

SUMMARY:

As per the Financial Management Regulations 1996 Section 33A a review of a Local Governments annual budget must be completed between 1 January and 31 March each year. The bulk of this review was completed at the end of January 2016 with a review of current spending trends and estimated end of year positions brought to the February Council meeting. Left from this report however was the revised surplus brought forward for this financial year. The following item allows the Shire of Nannup to reach compliance within this area.

COMMENT:

The Financial Management Regulations 1996 require that the net current assets at the start of the financial year be shown within the annual budget. If this figure is unknown at the time of preparation then an estimation figure should be used and once the audit of the previous financial year finalised any variance between the budget estimation and the audited actual calculation must be addressed within the budget review. Below is a copy of the net current asset position as shown within the Annual Report. Differences between the budgeted inclusion and the final position are the result of various end-of-year processes not having been completed prior to the budget being raised.

CALCULATION OF DISTRIBUTABLE SURPLUS

SURPLUS for RATE SETTING STATEMENT		\$ 645,221
Current Assets & Liabilities Added Back for RSS		
Current Loan	\$ 14,560.00	
Current Proportion of Long Term Borrowing	-\$ 76,933.00	
	<u>-\$ 62,373.00</u>	
GROSS SURPLUS		<u><u>\$ 582,848.00</u></u>
LESS		
Restricted Income as per Note 2(c)	-\$ 102,045.30	
YAC & YCN	-\$ 16,250.00	
Withholding tax	-\$ 19.00	
GST Payable	-\$ 14.00	
PAYG Tax Payable	\$ 40,469.00	
ADD		
Current Proportion of LSL	\$ 228,935.00	
GROSS DISTRIBUTABLE SURPLUS		<u><u>\$ 733,923.70</u></u>
LESS INCOME/EXPENDITURE C/F:		
Committed expenditure in following year	\$ -	
Pre-payments included in unrestricted cash	-\$ 700,580.00	
		<u><u>-\$ 700,580.00</u></u>
Uncommitted Surplus carried fwd		<u><u>\$ 33,343.70</u></u>

Notes:

Restricted Income - Note 2C refers to grants carried forward
Prepayments refers to Financial Assistance Grants & Road & VBFB/SES Operating Grants received as prepayments 30/6/15

At the end of the 2014/15 financial year once restricted cash, unspent grants, prepayments and committed expenditure have been excluded, the uncommitted surplus that is shown above of \$33,343. This amount was used as per Council Resolution 9139 to cover the deficit carried forward from the previous year. This resolution is shown below:

9139 LORKIEWICZ/SLATER

That Council amend the 2014/15 budget as follows:

2) Any surplus arising in 2014/15 will first be used to offset the deficit carried forward from the 2013/14 financial year.

CARRIED BY ABSOLUTE MAJORITY (8/0)

STATUTORY ENVIRONMENT:

Sub-section 2A of the Regulations requires the Council to:

- (a) Consider the local government's financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and
- (b) Consider the local government's financial position as at the date of the review; and
- (c) Review the outcomes for the end of that financial year that are forecast in the budget.

POLICY IMPLICATIONS: None

FINANCIAL IMPLICATIONS:

That the budget raised for the 2015/16 financial year remains consistent with current spending and it is anticipated that the end of year position will be a balanced as per initial budget.

STRATEGIC IMPLICATIONS: None

RECOMMENDATION:

That Council endorses all variances shown within this report as part of the annual Budget Review for the 2015/16 financial year required to remain compliant with statutory obligations.

VOTING REQUIREMENTS: Absolute Majority.

16042 GILBERT/STEER

That Council endorses all variances shown within this report as part of the annual Budget Review for the 2015/16 financial year required to remain compliant with statutory obligations.

CARRIED BY ABSOLUTE MAJORITY (8/0)

AGENDA NUMBER:	12.12
SUBJECT:	Donnelly River Huts inclusion on Rate Base
LOCATION/ADDRESS:	Donnelly River
NAME OF APPLICANT:	Tracie Bishop
FILE REFERENCE:	RAT 9
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	21 March 2016
ATTACHMENTS:	12.12.1 – Map of leases – LDR Huts Master Plan 12.12.2 – Letter from Civic Legal

BACKGROUND:

Land abutting the Donnelly River within the D'Entrecasteaux National Park has historically been used as a holiday destination by families who have built short stay accommodation on this Department of Parks and Wildlife (DPaW) Reserve. Up until 2013 this accommodation had no legal tenancy and basically was allowed purely with the tolerance of the State Government. Within the 2012/13 financial year the State Government agreed that if the properties were brought up to the applicable health and building codes currently in force then a 21 year lease would be granted with an option for an additional 21 years at the end of this period.

Fast forward to 2016 and these properties now have been brought up to the required building and health standards and leases have been issued or are in the process of being issued for the 43 properties. Of these properties 33 are within the Shire of Nannup boundaries and the remaining 10 are in the Shire of Manjimup.

COMMENT:

Now that formalised lease agreements have been signed between hut owners and the Department of Parks and Wildlife the land that previously was classed as non-rateable land becomes rateable land as per the Local Government Act 1995 (The Act). Section 6.26 of The Act provides that:

6.26. Rateable land

- (1) Except as provided in this section all land within a district is rateable land.
- (2) The following land is not rateable land —

- (a) land which is the property of the Crown and —
 - (i) is being used or held for a public purpose; or
 - (ii) is unoccupied, except —
 - (I) where any person is, under paragraph (e) of the definition of **owner** in section 1.4, the owner of the land other than by reason of that person being the holder of a prospecting licence held under the *Mining Act 1978* in respect of land the area of which does not exceed 10 ha or a miscellaneous licence held under that Act; or
 - (II) where and to the extent and manner in which a person mentioned in paragraph (f) of the definition of **owner** in section 1.4 occupies or makes use of the land;
- and
- (b) land in the district of a local government while it is owned by the local government and is used for the purposes of that local government other than for purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the local government; and
- (c) land in a district while it is owned by a regional local government and is used for the purposes of that regional local government other than for the purposes of a trading undertaking (as that term is defined in and for the purpose of section 3.59) of the regional local government; and
- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood; and
- (e) land used exclusively by a religious body as a school for the religious instruction of children; and
- (f) land used exclusively as a non-government school within the meaning of the *School Education Act 1999*; and
- (g) land used exclusively for charitable purposes; and
- (h) land vested in trustees for agricultural or horticultural show purposes; and
- (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Management Act 2006*) by that co-operative and used solely for the storage of grain where that co-operative has agreed in writing to make a contribution to the local government; and

- (j) land which is exempt from rates under any other written law; and
- (k) land which is declared by the Minister to be exempt from rates.

As these huts are primarily used for private residences with the option to either privately or commercially lease then all paragraphs other than (b), (j) and (k) are not applicable.

Of the sections of *The Act* that remain,

- Section (b) does not apply as the land is not owned by the local government;
- Section (j) will not apply as a search by Civic Legal found that there were no written laws that would exempt land from being rated; and
- Section (k) does not apply as no evidence can be found whereby the minister has excluded this portion of land from being 'rateable' land.

Further the lease agreement signed makes reference to the Lessee having an obligation to pay Rates & Taxes to the relevant Authority before those Rates & Taxes become overdue.

Overall there does not appear to be any legal reason for these properties to now be excluded from the rate base and it is officer recommendation that for the entirety of the lease agreements these properties be rated.

With this in mind, contact has been made with DPaW for details of the leases and the names and addresses of lessees supplied. This information has now been forwarded to The Valuer General for values to be raised on these properties with the assumption being that as at the 2016/17 financial year rates will be issued to these lessees.

As mentioned earlier within this item, contact has been made with Civic Legal to determine that raising rates on these properties would not contravene The Act and their response is included within the attachments. Contact was also made with the Department of Local Government and Communities to ensure that there were no objections from their department with these rates being raised and with the Valuer General. From all of these contacts no objections were raised.

It is therefore the intention of officers to include these 33 properties from 1 July 2016 until the expiry of these leases either in 2037 or if the full 42 year term granted in 2058 unless Council objects and wishes these properties to remain non-rateable. In preparation for this letters have been sent out to all lessees advising them of the actions the Shire of Nannup is intending to take and the reasoning behind.

Financially what this represents to this organisation is an increase in the rate base of \$34,254 per annum based around the current minimum rates for an

Unimproved Property. Based on current minimum rates the following projections can be made:

	Minimum rate 2015/16 - UV	Result
33 huts at minimum rate	\$1039	\$34,254

Actual revenue received by the Shire of Nannup will not increase from this inclusion rather the rate burden will now be shared with these properties and so the annual rate increases per property will be lower than if these properties were not included.

STATUTORY ENVIRONMENT: Section 6.28 of the Local Government Act 1995

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

The financial implication of the officers' recommendation is an increase in the rate base for the Shire of Nannup for up to 42 years which will equate to lower rates being raised per assessment.

STRATEGIC IMPLICATIONS:

Strategic Community Plan - 6.1

Be an exemplar of sustainability – Balance our environment, social and financial requirements.

RECOMMENDATION:

That the 33 leased properties forming part of the D'Entrecasteaux National Park Reserve number 36996 identified as being within the Shire of Nannup boundaries be included within the rateable properties from 1 July 2016 up until notification from the Department of Parks and Wildlife that the leases have expired.

VOTING REQUIREMENTS: Simple Majority

16043 STEER/SLATER

That the 33 leased properties forming part of the D'Entrecasteaux National Park Reserve number 36996 identified as being within the Shire of Nannup boundaries be included within the rateable properties from 1 July 2016 up until notification from the Department of Parks and Wildlife that the leases have expired.

CARRIED (8/0)

AGENDA NUMBER:	12.13
SUBJECT:	Policy Changes – FNC 2
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Tracie Bishop
FILE REFERENCE:	FNC 15
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	21 March 2016
ATTACHMENT:	12.13.1 – Draft Amended Policy FNC2 – Depreciation of Fixed Assets.

BACKGROUND:

Our current policy relating to the level of depreciation applicable to the various asset types does not reflect the information contained within our Annual Statement at Note 1 which is in line with the Australian Accounting Standards on Fair Values – AASB 13.

COMMENT:

While depreciation is a non cash item and as such does not impact too heavily on the annual expenses of the organisation, the implication of applying more depreciation than required can be that the ratios included within our Annual Report are shown in a more severe light than they need to be. One of the adverse ratios shown within the Annual Report would have been adjusted if depreciation rates applied reflected those shown within Note 1.

STATUTORY ENVIRONMENT: AASB 13 – Fair Value Measurement.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Deprecation rates applied to various classes reflect those within AASB 13 and the Annual Report.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Councils policy FNC 2 be adjusted to correctly reflect the rates of depreciation in line with the Australian Accounting Standards at AASB13 currently reflected in our Annual Reports.

VOTING REQUIREMENTS: Simple Majority

16044 STEVENSON/SLATER

That Councils policy FNC 2 be adjusted to correctly reflect the rates of depreciation in line with the Australian Accounting Standards at AASB13 currently reflected in our Annual Reports.

CARRIED (8/0)

AGENDA NUMBER:	12.14
SUBJECT:	Monthly Accounts for Payment - February 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	21 March 2016
ATTACHMENTS:	12.14.1 – Accounts for Payment – February 2016 12.14.2 – Credit Card Transactions – December 2015 – January 2016

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 29 February 2016 as detailed hereunder and noted on the attached schedule are submitted to Council.

COMMENT:

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

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

Municipal Account

Accounts paid by EFT	8012 - 8129	\$363,6152.48
Accounts paid by cheque	19974 - 19996	\$513,272.91
Accounts paid by Direct Debit	DD9514.1 to DD9534.1	\$6,794.80
Sub Total Municipal Account		<u>\$278,982.45</u>

Trust Account

Accounts paid by EFT		\$0.00
Accounts Paid by cheque	22795	\$41,500.00
SubTotal Trust Account		<u>\$41,500.00</u>
Total Payments		<u>\$925,183.19</u>

STATUTORY ENVIRONMENT: LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$925,183.19 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple majority

16045 MELLEMA/LONGMORE

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$925,183.19 in the attached schedule be endorsed.

CARRIED (8/0)

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

13.1 OFFICERS

Nil

13.2 ELECTED MEMBERS

Nil

**14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)**

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE
PUBLIC**

Nil

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

Nil

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

Nil

17. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 5.30 pm.



MINUTES

**WARREN BLACKWOOD ALLIANCE OF COUNCILS BOARD MEETING
5.30PM, TUESDAY 5 APRIL 2016
HOST: SHIRE OF BRIDGETOWN-GREENBUSHES**

Meeting Opened: 5.32pm

As Cr Pratico wasn't in attendance Cr DeCampo assumed the Chair

Attendance:

Cr Wade DeCampo
Cr Bob Longmore
Cr Dean Bavich
Cr John Nicholas
Billy Wellstead – SWDC
Joanne Burges – WALGA

Tim Clynch
Andrew Campbell
Peter Clarke
Katie Drummond

Apologies:

Cr Tony Pratico
Cr Tony Dean

Minutes of Previous Meetings

- WBAC Board meeting in Manjimup 7 February 2016
- WBAC Special Meeting in Manjimup 16 February 2016

Moved: Cr Dean Bavich

Seconded: Peter Clarke

Passed

1. Correspondence

- a) Nannup Trails letter – moved to discuss with item 7.d
- b) The Department of Commerce is running an Incorporations Workshop in Manjimup Town Hall on Thursday 28th April from 6pm - 8pm. The workshop is to inform

incorporated groups of the new *Associations Incorporation Act 2015* which comes into effect on the 1 July 2016. Katie will attend for WBAC but everyone is invited to attend.

2. Financial report

a) Budget

A new style financial report was presented with the year to date actual, year to date budget and full year budget shown. The income and expenditure headings have been changed to reflect the budget to make it easier to read and understand.

The event and trials website budgets are the wrong way around due to contract errors, this will be shown when payment is made.

The budget for the Local Tourism Organisation stands at:

Income:

3 Shires & SWCD:	\$24,750.00
WBAC EO position vacant:	\$12,752.60
Total	\$37,502.60

Expenditure

Edge Contract:	Total \$38,500.00
----------------	--------------------------

Shortfall (covered by WBAC) \$997.40

Moved: Cr Dean Bavich

Seconded: Tim Clynych

Passed

b) Signatures

The WBAC bank account has been updated and the signatures are:

- | | |
|-------------------|-------------------|
| • Cr Wade DeCampo | • Andrew Campbell |
| • Cr Dean Bavich | • Peter Clarke |
| • Tim Clynych | • Katie Drummond |

Online banking will now be arranged for each signature.

3. Executive Officer work report

A new style EO work report was presented with key meeting and work listed.

Passed

4. Strategic Plan update

The plan had all submitted amendments from the board made and has been reformatted by Katie. This is now a finalised and public document.

Moved: Cr Dean Bavich

Seconded: Cr John Nicholas

Passed

5. Tourism Update

a) Edge

- A report from Edge was circulated and highlighted the work carried out so far.
- A number of members voiced that they have received and heard positive feedback so far of Edge's work.

- Katie highlighted that a couple of Shires have had concerns that Edge are focusing all on visitor centres and not looking into the broader community for contacts, Andrew advised that Edge should be referred back to the *Request for Quote* so all stakeholders listed are included.
- Wade requested that we arrange a follow up meeting with everyone who attended the Wine and Truffle event in September 2015. Katie advised that these attendees are being invited to the forthcoming workshops.
- Katie to provide a fortnightly update to the board on Edge's progress

b) Timeline

- Due to being appointed late in February, Edge have amended their original timeline to reflect this, therefore the project finish will now be the 3rd week of July.
- Katie to amend the contract to show this.

Moved: Cr John Nicholas

Seconded: Cr Dean Bavich

Passed

c) Workshops

- The dates for the public workshops are:

Date	Time	Venue
Monday 2nd May	1pm	Nannup Sport & Rec Centre
Monday 2nd May	6pm	Pemberton Mill Hall
Tuesday 3rd May	6pm	Manjimup Town Hall
Wednesday 4th May	5.30pm	Walpole Town Hall
Thursday 5th May	11am	Greenbushes Town Hall
Thursday 5th May	6pm	Bridgetown Town Hall

Full information and a formal invitation will be sent out by the 3rd week of April.

d) *Explore the Southern Forests* visitor guide

- Currently in production through Paper Napkin
- Incorporates all 3 Shires
- Will include 'rivers and valleys' in title

6. Joanne Burges, Regional Cooperation Manager for WALGA

Joanne gave an update of her work and recent projects.

Gift and Travel Provision

- Joanne reported that the Act has not changed in regards to this, just the reporting
- Katie to work with Jo and 3 CEO's to draft a submission from WBAC

WBAC asked if there was any progress on our feedback, given last year, regarding the cost of delegates to Local Government Convention

- Looking at around \$3,000 per delegate to attend (convention and accommodation)
- Need to consider what the LG's expectations are of convention and the speakers

Regional Alliance of Councils Newsletter

Are WALGA able to produce newsletter which is reports from Alliance EO's so we can see how we're going against other Regional Alliances.

WBAC asked if there is any movement with the Audit of Council

- Auditor general will have scope to appoint an auditor and the Shire has to pay, he also directs the scope of work
- Asked if we can have 3 auditors for WBAC and rotate them between the Shires
- Joanne is going to get information and get back to Katie asap

7. General Business

a) SFFC Agri-tourism group

- SFFC has 390 members with 220 actively producing.
- The Agri-tourism group is only a concept which SFFC don't see being able to run any time soon.
- The group is about the 3 P's - People, Places and Produce.
- In the group they want to include people who offer on farm experiences, camping grounds, accommodation on farms, who sell produce on their farm, who hold events on their farm or hold events that are associated with agriculture.
- They want to develop tours which include on farm experiences without the farmer being hands on.
- They are interest in using ibeacons which work via Bluetooth and don't need phone signal to work. They send out information to an app when people are within 20 meters of the ibeacon.

b) WBAC Events & trails website

We currently have an outstanding invoice from Paper Napkin for \$9,200. This covers the period of 28.01.16 – 27.01.17 for the maintenance and updating of the Events (\$6,740) and the Trails (\$2,730) websites.

- Visitor number from January 2015 – March 2016 were:
 - Events 8,310 average 44 seconds visit
 - Trails 11,899 average 1.18 mins visit
- It is to be noted that the events website is very out of date.
- The Trails website is becoming a duplicate of the Trails WA website.
- Katie to check the original contract for both websites and see if there breach of contract in regards to updating.
- There is confusion over the contracts for maintenance and the invoices as the amounts are the wrong was around.
- Andrew, Tim & Peter to speak with their Shires and send feedback to Katie about each website.
- Katie produce report for June WBAC meeting so the board can decide the future of the websites.

c) WBAC website

The WBAC does not need a website but Katie is to produce a standard information page which can be added onto each Shires website.

d) WBAC Trails Master Plan

Regional Trails Project update from Shire of Bridgetown / Greenbushes

- Recommendations from report:
 1. *That the Board endorse the revised scope/approach to the third and final stage of the Regional Stock Route Bridle Trail Project.*
 2. *That the Board request the three member councils to provide a financial contribution of \$5,750 each in their respective 2016/17 budgets as a financial contribution towards the third and final stage of the Regional Stock Route Bridle Trail Project.*

The board considered these recommendations along with the correspondence received from the Shire of Nannup which asked that the WBAC formally approve the integration of the Scott Rover Bridle Trail into the Bridgetown to Brook Inlet Trails Project.

Katie to receive clarity from Shire of Bridgetown / Greenbushes and Shire of Nannup regarding the trails and the consequence of the integration. Katie to produce report and send it to all board members in 3 weeks (w/c 25 April) for an out of meeting decision.

Trails Master Plan & desktop review

The Trails Project Group, which comprises of Louise Stokes SON, Elizabeth Dennis SOBG and Evy Apeldoorn SOM, undertook a desktop review of the Trails Master Plan in October 2015. They have given updates from their Shires on each recommendation from the Master Plan and highlighted the recommendations which are the responsibility of the WBAC.

Katie to ask the Trails Project Group to come together and recommend to WBAC for June meeting:

1. How we move forward with the Trails Master Plan
2. If the plan is still relevant and if it reflecting state documents
3. Does the Master Plan needs to be re-written

e) South West Focus conference

This year's South West Focus Conference is looking to be in Perth. It was scheduled for June but we have been advised that it will now be held in September.

f) Warren Blackwood Water Initiative

- Wade gave a brief overview of this \$40m project.
- Invite Paul & Felicity to attend June meeting to give update on project

g) Local Government Week

Katie to speak with Joanne regarding attending 1 or 2 days of local Government week in August.

8. Next meeting: Tuesday 7th June 2016, Shire of Nannup

9. Meeting Closed: 7.12pm