



Shire of  
**Nannup**  
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# Minutes

# Public Copy

Council Meeting held Thursday 22 September 2016

Unconfirmed

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# Minutes

## 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at 4:15pm.

## 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

### ATTENDANCE:

Shire President: Cr A Dean

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

Peter Clarke – Chief Executive Officer

Mr Jon Jones – Manager Infrastructure

Tracie Bishop – Manager Corporate Services

### APOLOGIES:

Cr Mellema

### LEAVE OF ABSENCE:

Cr Stevenson was granted approval for Leave of Absence for this meeting at the 2016 August Council Meeting.

**VISITORS:** Mr Len Gilchrist, Mrs Rita Stallard, Mr Ian Gibb, Mrs Barbara Dunnet, Mr Chris Rutter, Mr Lindsay Bergman and associate.

## 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

### Mr Len Gilchrist, Lot 35 Blackwood River Drive, Nannup

The following question was taken on notice at the Ordinary Council meeting of 25 August 2106. Mr Gilchrist was provided with a written response from the CEO on 29 August 2016. The response from the Shire is recorded accordingly:-

### Question:

*I would like to think that this Council to be open, transparent and accountable and without fear or favour. Why, then, am I gagged from directing a question to an individual member of the Council?*

*If the reply is in the negative, then;*

*Your assertion that the matter has been dealt with is not correct and misleading, because of the following;*

*I refer to Minutes of the Ordinary meeting of Council held on 25.2.2016, and I quote – “The Minutes were presented to the Council at its November 2015 Ordinary meeting for adoption” end of quote.*

*In my question to Cr Longmore on 28.1.2016, my words were “deliberations” for the 2015 Citizen of the Year, which, of course, were held prior to 2015?*

**Response:**

**Firstly I apologise for the confusion that my letter of 1 February 2016 caused as I was of the understanding that you were addressing the process and selection of the 2016 Citizen of the Year Award, not the 2015 process. As you are aware, I was not in the role of CEO during the 2015 Citizen of the Year Award which had commenced in November 2014, hence my confusion.**

**The process for the 2015 Award was no different to the 2016 Award and that there is no recollection of individual comments by Councillors relating to nominees for the Award, only that which is written in the Minutes of the Australia Day Advisory Committee and the Council meeting Minutes when selection of the Citizen of Year Awards was deliberated upon.**

**Council has been open, transparent and accountable in its deliberations and it is considered that at no time have you been gagged in your questions to the Council. In addressing Council at Public Question Time, the Shire President always indicates that this forum enables residents to pose question to himself or the CEO. It is the prerogative of the Shire President to determine who is to respond to the question, and in the case of your questioning, it has been answered by the Shire President or directed to myself for a verbal response. On the last two occasions the questions have been taken on notice and a written response provided.**

**Your level of questioning on statements made by individual Councillors has no relevance to the process for awarding the Citizen of the Year. In fact, your accusation is only based on hearsay. It is the opinion of Council that the person who ultimately received the Citizen of Year for 2015 rightly deserved the Award and again, whatever you believe was said at the time has no relevance or association to a Councillor.**

**Council wishes to advise that it will no longer take any further questions relating to the Citizen of the Year Award process for 2015. It is of the opinion that your line of questioning has been dealt with, both at a Council level and in continual discussions with myself verbally.**

**4. PUBLIC QUESTION TIME:**

The Shire President invited questions from the Public.

**Mrs Rita Stallard**

**Question 1**

*Are questions that are deemed irrelevant not included in unconfirmed minutes of the 25 August 2016 Council meeting, as was the case to the question that I posed, being:-*

*“If a Dog Pound was constructed opposite a Councillors residence, would they oppose its construction”?*

**Response**

The Shire President responded by indicating to Mrs Stallard that she approach Councillors in a private capacity regarding this question.

The CEO apologised to Mrs Stallard for not including the question in the Minutes and this omission was simply by error.

**Question 2**

*Are you aware that since the last Council meeting where I pointed out problems with the proposed pound and the letter I then sent to the CEO and all Councillors further explaining my reasoning, I have received from the Shire:*

*‘Legal Action Notes’; Dog Barking Instructions’ and ‘Dog Barking Log’; A 12 page ‘Information Pack for Dog Complaints’; A letter from the Shire in response to my letter advising that (although four neighbours have complained) the onus is on me to once again provide extensive, ongoing, written evidence re the continual loud barking dog next door; however the destructive and aggressive behaviour of the dog was not addressed, nor the threats to my life by the owner of the dog. I also received a ‘Legal Caution’ re my unregistered and non-microchipped dog with 14 days to remedy same or face 200 dollar fine; and a ‘Failure To Comply With Dog Act’ pending penalty of 5 thousand dollars; and an ‘Infringement Notice’ for non-microchipped and non-registration of another dog requiring two more lots of 200 dollar fines; and ultimately I face a further 10 thousand dollar fine for each of my dogs and eventual seize and destroy orders?*

**Response**

The Shire President advised that the question would be taken on notice and a written response provided.

**Question 3**

*Are you aware this sudden prosecution and persecution of me and my life companions comes directly on the heels of my recent criticisms of Shire policy and the Shire's incapacity to resolve the very long issue of the neighbour dog's continual destructive and aggressive behaviour ON MY PROPERTY?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**

**Question 4**

*Are you aware that although I face 10 thousand dollar fines and seize and destroy orders for my dogs, the neighbour dog that regularly defiantly stands at my front door and will not allow me access to my own home and has in conjunction with another dog attacked me receives no such penalty?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**

**Question 5**

*Are you aware that were I able to comply with the Shire directives of microchipping and then subsequent lawful registration of two dogs; I have only 14 days to do so, whereas the next door dog problem causing me ill health and serious stress has continued unabated for many, many long months of days and nights and there are no deadlines nor seize and destroy there?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**

**Question 6**

*Are you aware I would like to register my two sterilised dogs but the law will not permit me to do so without them being microchipped; and I am opposed on moral, medical and ethical grounds to being forced to have a foreign object permanently implanted into my two, responsibly trained, non-straying, loyal companions?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**



**Question 7**

*Are you aware that possible side effects to long term use of the device has not yet been fully determined and further that one of my dogs has had serious medical issues and reacts contrary to the norm regarding intervention medications and therefore the very real possibility of adverse reactions in this instance is unknown?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**

**Question 8**

*Are you aware that I am and always have been a very responsible dog owner and that none of my dogs have ever strayed and can indeed provide witnesses to verify this fact?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**

**Question 9**

*Have all rural properties in Nannup been examined for unregistered and non-microchipped dogs or is it just mine?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**

**Question 10**

*Do you think the irresponsible owners of all the un-collared, sole and loose running packs (of sometimes three dogs), in the Nannup townsite have had their dogs microchipped and registered?*

**Response**

**The Shire President advised that the question would be taken on notice and a written response provided.**

**Question 11**

*An Aboriginal man once said "I am old now, I go home to live with my dogs." That too is my mantra as I am old and live with my dogs but apparently not in peace or without persecution. The letter of the law (but perhaps not its intended objectives) has been taken advantage of and timely and rigorously applied to me and mine, whereas it would seem that the letter of the law has not been utilised to deal with the problem neighbour dog and its irresponsible owner. Would you agree with this scenario?*

**Response**

The Shire President advised that the question would be taken on notice and a written response provided.

**Mr Len Gilchrist**

**Question 1**

*Is anyone allowed to go onto another person's property without the owner's permission and I would like to be advised in writing of who is authorised to do so?*

**Response:**

The Shire President advised that the question would be taken on notice and a written response provided.

**Question 2**

*The corner of Dean Road and Blackwood Drive has no "give way" or "stop" signs at this "T" junction and as this is a safety issue, should not appropriate signs be erected at this location?*

**Response:**

The Shire President advised that the question would be taken on notice and a written response provided.

**Question 3**

*Do you know where Elizabeth Pelican lives, I would like to contact her.*

**Response:**

The Shire President responded by saying no.

**5. APPLICATIONS FOR LEAVE OF ABSENCE**  
Nil

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

**Governor Broome Road - Funding**

The Shire President advised that Mrs Barbara Dunnet was in attendance to address Council on the need for special funding (State Government) to be allocated to Governor Broome Road in anticipation of significant tonnages proposed to be transported on this road when harvesting of Bluegum Plantations commence in the future.

Mrs Dunnet read from a written presentation raising the following issues:-

- Scott River roads carry the heaviest truck usage in the Shire and are not constructed to cope with expected tonnages.
- On 23/5/15 a written request from the Scott River Growers Group forwarded to Council request that it goes back to the upgrading and sealing of Governor Broome Road once Fouracres Road upgrades got to Don Road. Mrs Dunnet gathered that Council had rejected this proposal.
- Plantations in Scott River, particularly on Governor Broome Road are now being harvested and neither Governor Broome Road nor Fouracres Road are to a satisfactory standard as Mowen Road did have priority.
- Strategically Governor Broome Road is where the confluence of all of the other roads from the Scott River meet so it is a major arterial road for the Scott River and it is also a school bus route
- In 18 months these plantations are due for harvesting
- 2,500 hectares have been planted with estimated tonnages to 300 tonnes per hectare which means an estimated 750,000 tonnes of logs to be carted on Governor Broome Road.
- Couple this with 71M litres off milk produced, broccoli, carrots, potatoes, fertiliser, lime, hay, beef cattle, plus tourists all utilising this road.
- Council can lobby for special funding these types of roads, Council has been successful in the past in securing such funding.
- Urge Council to collect the appropriate data to substantiate the above based on tonnage, production etc.
- Scott River farmers pay significant rates to the Shire
- Mrs Dunnet more than happy to assist Council with property identification and usage if required.

#### Questions

- Governor Broome Road how far to August–Margaret River border - 19kms
- Production in this area - 6 plantations, dairy
- Did Government give money for roads in initial plantation - TIRES scheme produced gravel sheeting, drainage as result
- Wasn't money given from Beenup - not on this stretch of roads
- Blue gums harvesting and when is it to be harvested - now on Fouracres Road, Governor Broome Road starting 2018 is where predicted tonnage is expected.
- Harvesting, when do they not cart - winter, need permission from shires.
- With TIRE funding this was unique to timber industry, now changed to commodity roads and is now used mainly in wheat belt.
- 10,000 acres now under timber - Scott River
- Do the plantation managers have any commitments to road maintenance, only on unsealed surface?

The Shire President thanked Mrs Dunnet for her presentation and gave her an undertaking that the Council would research this matter further and indicated that the Manager Infrastructure will prepare a report on this issue at some point in future for Council consideration.

**Amendment No.18 of the Local Planning Scheme No.3 relating to the proposed subdivision on Lot 8280 Dean Road.**

The Shire President introduced Mr Lindsay Bergsma from Harley Dykstra Planning and Survey Solutions who was in attendance to present to Council supporting information on Item 12.5 of the Agenda relating to Amendment No.18 of the Local Planning Scheme No.3 relating to the proposed subdivision on Lot 8280 Dean Road.

Mr Bergsma advised that he was representing his client and provided background information on the proposed Amendment and in light of only one negative submission being received, encouraged Council to support the officer's recommendation.

Questions

- When floods came up this year did you look at how high the water came up?
- Fees paid - assessment of application.

Following the presentation the Shire President thanked Mr Bergsma for his presentation.

**7. DECLARATIONS OF INTEREST**

Two Proximity Declaration of Interests were received.

1. Councillor Dean - Item 15.1 on the ground of being an adjacent lessee of property
2. Councillor Gilbert - Item 15.1 on the ground of being an adjacent landowner

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**16117 STEER/FRASER**

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

**CARRIED (6/0)**

**9. MINUTES OF COUNCIL & OTHER COMMITTEES**

**16118 FRASER/LONGMORE**

*That the following Minutes be received and noted:-*

**9.1 WALGA South West Zone**

*That the Minutes of the WALGA South West Zone meeting held on Friday 26<sup>th</sup> August 2016 be received.*

**9.2 Shire of Nannup Bushfire Advisory Committee**

*That the Draft Minutes of the Shire of Nannup Bushfire Advisory Committee meeting held on Monday 29<sup>th</sup> August be received and the contained recommendations be adopted.*

**CARRIED (6/0)**

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

Nil

**11. REPORTS BY MEMBERS ATTENDING COMMITTEES**

Date	Meeting	Councillor
30/08/2016	Risk Management Committee	Steer
30/08/2016	Risk Management Committee	Longmore

AGENDA NUMBER:	12.1
SUBJECT:	Danjangerup Cottages
LOCATION/ADDRESS:	Lot 320 – Reserve 36389 – Nannup Town Site
NAME OF APPLICANT:	Government of Western Australia - Housing Authority
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	5 September 2016
ATTACHMENT:	12.1.1 – Draft Lease Agreement between Shire of Nannup and Housing Authority

**BACKGROUND:**

At the 2015 October Ordinary meeting of Council the following information was supplied to Council in respect to the future management of Danjangerup Cottages:-

*“Louise Murray, Senior Contract Development Officer with State Government’s Housing Authority has written to Council regarding the Shire of Nannup’s Management Order over Crown Land Reserve 39740 (Danjangerup Cottages) in the hope that the Shire and the Housing Authority can reach a resolution for the future management of the Cottages.*

*Ms Murray advises that the Housing Authority and Danjangerup Cottages Incorporated (DCI) have two joint venture agreements over 9 units built on Crown Land Reserve 39740 with these units being managed by Alliance Housing. Ms Murray indicates that DCI would like to dissolve their incorporation under the Associations Act and to achieve this, they must first terminate their interest in the joint venture agreements. Both the Housing Authority and DCI would like Alliance Housing to continue to manage the properties.*

*Ms Murray advises that once the joint venture has been terminated, the Housing Authority will re-document their interest in the units in the form of a legal agreement, which reflects their significant equity share in the units (90.51% over Stage 1 and 89.7% over Stage 2).*

*Ms Murray advises that as the Shire of Nannup had previously advised that it does not wish to relinquish its Management Order over Reserve 39740, Alliance Housing would have to lease the land and units directly from the Shire. This has the effect of giving the Housing Authority little or no interest over the units.*

*If the Shire of Nannup is agreeable, Ms Murray suggests that the Shire leases the land to the Housing Authority on a 21 year lease at a peppercorn rental. The Housing Authority would then immediately sub-lease the land to Alliance Housing and pass on property management responsibilities to Alliance Housing. DCI would also transfer any accumulated surplus funds to Alliance Housing for ongoing property maintenance.*

*Ms Murray further advises that this has been previously favourably suggested to the Shire but has not moved forward due to perceived opposition by DCI. Mrs Stephanie Camarri of DCI has been approached and seemed to react positively to this approach.*

*The matter relating to the future management of the Danjangerup Cottages has been before Council previously following the decision by DCI to dissolve their Incorporation status. At the 27 June 2013 and the 23 October 2014 Ordinary meetings of Council the following was resolved:-*

**8989 DUNNET/STEER**

- 1. Council agree in principle to the relinquishment of the lease and for Alliance Housing to take over the management of Danjangerup Cottages.*
- 2. Council advise the Department of Housing that it agrees to the severance of clause 4(k) from the lease between the Council and Danjangerup Cottages Incorporated dated 1 August 1991.*
- 3. Council agree to the execution of a new lease with Alliance Housing on terms to be agreed.*
- 4. Council agree to hold a trust fund for the balance of surplus funds from Danjangerup Committee, plus interest and a contract be drawn up to this effect between the Danjangerup Committee and the Shire of Nannup to release these funds for the expansion of the Danjangerup Cottages in the future.*

**CARRIED 8/0**

**9178 MELLEMA/STEVENSON**

*Council does not agree to surrender the Management Order in respect of Reserve No. 39740 in favour of the Department of Housing.*

**CARRIED 8/0**

*Point 4 of Resolution **8989** has not been resolved as DCI still hold the accumulated funds for ongoing management of the Cottages as they have yet to dissolve as an Incorporated body. Also from the most recent correspondence from the Housing Authority, it indicates that DCI would transfer any accumulated funds to Alliance Housing for property maintenance if Council agrees to the current proposal.*

*In respect to the proposal by the Housing Authority regarding accumulated funds, the CEO referred this to representatives of DCI for their comment and they were totally opposed to the funds being transferred to Alliance Housing and that Council's original Resolution **8989** should stand.*

*The CEO and DCI representatives have been in further discussions with Ms Murray at the Housing Authority to indicate that both the Shire of Nannup and DCI still maintain*

*that the accumulated funds should be transferred to the Shire of Nannup as custodians of the funds. The Housing Authority has now acceded to this request and has forwarded additional correspondence outlining this matter and providing additional information on the Joint Venture Agreement (JVA) and future Management of the Cottages.*

*The Housing Authority also advises that it holds significant equity in the units (87.58% over Stage 1 and 89.7% over Stage 2) that needs to be documented in a new Agreement. DCI holds the remaining equity (12.42% share over Stage 1 and 10.30% share over Stage 2) as per the JVA with the Housing Authority. With DCI's impending dissolution as an Incorporated body, DCI is seeking to hand its equity to the Shire of Nannup. The Housing Authority indicates that if DCI formally agrees to assigning its equity to the Shire of Nannup, this would mean that the Shire would then be a party to the JVA with the Housing Authority.*

*Housing Authority advises that as the Shire will continue to hold the Management Order over the property, it suggests the Shire of Nannup grants a long term lease (21 years or thereabouts) for a peppercorn rent to the Housing Authority, imposing basic repair and outgoing liability on the Authority. A similar draft Lease is attached but this would be between the Housing Authority and the Shire instead of the Shire and Alliance Housing.*

*If Council is agreeable to such a Lease, the Housing Authority would immediately sub-lease the land to Alliance. Alliance would then perform all property maintenance responsibilities outlined above as well as adding all the normal tenant allocation and management, financial management and reporting obligations that would normally feature in a lease between the Housing Authority and a Community Housing Organisation. This will give the Authority scrutiny over the way Alliance operates and would entail obligations on the Authority as landlord as long as the head lease is in place”.*

**COMMENT:**

The following resolution was adopted at the October 2015 Ordinary Council meeting:-

**9298 FRASER/LONGMORE**

***In order that the future management of the Danjangerup Cottages can be progressed in light of Danjangerup Cottages Incorporated (DCI) dissolution as an Incorporated body proceeding, Council resolves the following:-***

- 1. That Council agrees to accept the accumulated General Account Funds of DCI totaling \$224,746.29 (as at 17 June 2015) and establishes a Reserve Fund for the purpose of “Future Development and Major Maintenance Works of Danjangerup Cottages” and that***



*the release of amounts from these funds would only be considered by application to Council;*

- 2. That Council, upon DCI's formal approval to assign its equity of the Cottages to the Shire of Nannup, accepts such equity of the Cottages and becomes a party to the Joint Venture Agreement with the Housing Authority; and*
- 3. That Council, in holding the Management Order on Reserve 39740, advises the Housing Authority that it is prepared to Lease the Reserve to Housing Authority for a period of 21 years at a peppercorn rental. In granting the Lease, the Housing Authority be informed that this is subject to the Minister for Lands approving of the Lease in accordance with the management Order provisions.*

The CEO and Housing Authority have been progressing the development of a Lease since the October meeting and the Draft Lease Agreement is now before Council for consideration.

The Lease Agreement has been referred to Danjangerup Cottages Inc., for their comments. DCI has yet to formally dissolve its Incorporation status and has indicated that it would not do so until a satisfactory Lease Agreement has been made between the Shire of Nannup and the Housing Authority.

**STATUTORY ENVIRONMENT:**

Formal Lease Agreement between the Shire of Nannup and Housing Authority.

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community – Strategy  
1.2 Our Aged – Provide an Aged Friendly Environment.

**RECOMMENDATION:**

That Council authorises the Shire President and CEO to Sign and place Council's Official Seal on the Lease Agreement between the Shire of Nannup and Housing Authority for the Danjangerup Cottages for a period of 21 years at a peppercorn rental subject to the appropriate approvals being granted by the Minister for Lands.

**VOTING REQUIREMENTS:** Simple Majority

**16119 FRASER/SLATER**

*That Council authorises the Shire President and CEO to Sign and place Council's Official Seal on the Lease Agreement between the Shire of Nannup and Housing Authority for the Danjangerup Cottages for a period of 21 years at a peppercorn rental subject to the appropriate approvals being granted by the Minister for Lands.*

**CARRIED (5/1)**  
**VOTING AGAINST THE MOTION: GILBERT**

AGENDA NUMBER:	12.2
SUBJECT:	Consultation Paper – Regional Subsidiaries
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Department of Local Government and Communities
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	6 September 2016

**BACKGROUND:**

Mr Brad Jolly, A/Director General of the Department of Local Government and Communities, has written to Council to advise that the *Local Government Legislation Amendment Bill 2014* is currently being debated in the Legislative Council.

Mr Jolly advises that this Bill proposes to allow two or more local governments to come together to create a regional subsidiary for the purposes of providing joint services and other collaborative projects within their districts. The Department is currently considering what regulations may be necessary to ensure the successful introduction of regional subsidiaries into Western Australia.

The Department has provided a consultation paper which sets out several legislative proposals with the paper also including a short survey designed to give the Department an indication of how local governments view the concept of regional subsidiaries.

Mr Jolly advises that if local governments intend making submissions on the proposals, submissions close on **Friday, 30 September 2016**.

**COMMENT:**

The establishment of Regional Subsidiaries will have no effect on existing Voluntary Regional Organisations of Councils (VROC's) or the existing Warren Blackwood Alliance of Councils, which is established via the Incorporations Act as an incorporated body.

The main purpose of establishing regional subsidiaries is to provide flexibility to local governments in providing joint services and developing collaborative projects in a manner that would otherwise be required through a statutory Regional Local Government as defined under the *Act*.

Based on the consultation paper, the establishment of a Regional Subsidiary is still very regulated, which is to be expected.

**STATUTORY ENVIRONMENT:**

*Local Government Legislation Amendment Bill 2014.*

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil

**RECOMMENDATION:**

That Council notes the progression of the *Local Government Legislation Amendment Bill 2014* through Parliament and the Regional Subsidiary proposals to be contained within the *Bill*. Considering that the legislation will not impact upon the current status of the Warren Blackwood Alliance of Councils structure, Council does not provide a submission on the Consultation Paper to the Department of Local Government.

**VOTING REQUIREMENTS:** Simple Majority

**16120 SLATER/LONGMORE**

***That Council notes the progression of the Local Government Legislation Amendment Bill 2014 through Parliament and the Regional Subsidiary proposals to be contained within the Bill. Considering that the legislation will not impact upon the current status of the Warren Blackwood Alliance of Councils structure, Council does not provide a submission on the Consultation Paper to the Department of Local Government.***

**CARRIED (6/0)**

AGENDA NUMBER:	12.3
SUBJECT:	Relocation of Nannup Bowling Club to Recreation Centre
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Nannup Bowling Club (Inc.)
FILE REFERENCE:	ADM 32
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	7 September 2016

**BACKGROUND:**

The President of the Nannup Bowling Club (Inc.), Mr Keith Pears, has written to Council on behalf of the Clubs membership to advise that the Club is supportive of relocating the Bowling Green to the Nannup Recreation Centre.

Mr Pears advises that the Club makes a significant contribution to the community by supporting many successful events and festivals and they offer a great social sport to members of the community, but the high labour associated with maintenance of the green is deterring members.

Mr Pears indicates that the Club was established in 1924 at its current location on Warren Road and has always maintained a strong membership apart from the last couple of years when numbers have significantly dropped to 15. Unfortunately the grass green takes a lot of dedicated volunteer time to maintain and many of the members were not able to carry out the tasks and have therefore ceased their membership.

Mr Pears advises that the Club feels that a move to the Nannup Recreation Centre grounds will be great boost for the Club, and a synthetic green will be very low maintenance so current and future members will be able to enjoy being part of a club instead of spending 10-15 hours per week maintaining the grass green. Mr Pears is confident that a move to the Nannup Recreation Centre will increase membership and provide opportunities to open the Club to junior members and for use by the school.

Mr Pears advises that the Club is very grateful for the support that the Shire of Nannup has provided to the Club in the past.

**COMMENT:**

This letter of support is a reiteration of the Club's desire to move to the Recreation Centre which was previously communicated by letter to Council in November 2010.

At the August 2016 Information Session staff sought Council support for a grant application to be submitted to the South West Development Commission under its Royalties for Regions – Regional Grants Scheme for the relocation of the Bowling Club to the Recreation Centre. As there was not total support from Council for an application to be submitted, and as the CEO indicated via email to Councillors on 1 September 2016, that there also appeared to be some negativity from the community through the community consultation process associated with the review of the Community Strategic Plan, it was considered not appropriate to submit the grant application through this funding program.

The CEO did indicate to Councillors that the matter should be further canvassed through the Strategic Planning process and if this generated support, Council could consider submitting a grant application through the Department for Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) in February/March 2017 for the funds to be made available in Council's 2017/2018 financial year.

The CEO had advised Councillors that the reasons for advancing this matter was the concern that a sporting group could be lost to the district due to the inability of its dwindling membership to maintain the grass green, and especially a sporting group that had a long and proud association in Nannup.

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

There would be a considerable financial implication associated with the relocation of the Bowling Club green to the Nannup Recreation Centre. Indicative costs just to install a synthetic green without lighting and other associated fixtures was in the vicinity of \$220K.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership – Strategy 5.1 Conduct community engagement for significant projects and other activities.

**RECOMMENDATION:**

That Council receives the correspondence from the Nannup Bowling Club (Inc.) and acknowledges the Club's desire to relocate to the Nannup Recreation Centre. Council advises the Club that it will seek community input into the proposal to construct a new synthetic green at the Recreation Centre through the Community Strategic Plan review process and will continue to keep the Club informed of potential progress for a grant funding application to be submitted through the Department of Sport and Recreation's CSRFF program.

**VOTING REQUIREMENTS:** Simple Majority

**16121 SLATER/STEER**

*That Council receives the correspondence from the Nannup Bowling Club (Inc.) and acknowledges the Club's desire to relocate to the Nannup Recreation Centre. Council advises the Club that it will seek community input into the proposal to construct a new synthetic green at the Recreation Centre through the Community Strategic Plan review process and will continue to keep the Club informed of potential progress for a grant funding application to be submitted through the Department of Sport and Recreation's CSRFF program.*

**ADDENDUM TO THE MOTION**

**16122 DEAN/STEER**

*That an addition to the above motion be included to be read as part (b) that includes:*

*"That Council at the mid-year Budget Review set aside an amount of money to prepare a Master Plan for the old hockey field at the Recreation Grounds in order that Council is fully aware of the available space for proposed/anticipated activities and car parking at this location".*

## **SUSPENSION OF STANDING ORDERS**

### **16123 SLATER/GILBERT**

***That Standing Orders be suspended.***

**CARRIED (6/0)**

Standing Orders were suspended at 5:04pm.

Standing Orders were suspended to allow further discussion on this item, particularly the proposed relocation of Nannup Bowling Club to the Recreation Centre.

## **RESUMPTION OF STANDING ORDERS**

### **16124 GILBERT/STEER**

***That Council resumes Standing Orders.***

**CARRIED 6/0**

Standing Orders were resumed at 5:11PM.

## **Item 12.3 Continued**

### **16125 DEAN/STEER**

***That an addition to the above motion be included to be read as part (b) that includes:***

***“That Council at the mid-year Budget Review set aside an amount of money to prepare a Master Plan for the old hockey field at the Recreation Grounds in order that Council is fully aware of the available space for proposed/anticipated activities and car parking at this location”.***

**CARRIED (6/0)**

Following the adoption of the Addendum as part (b) of the motion, the Shire President advised that part (a) and part (b) would be put to Council separately for official adoption:-



**16126 SLATER/STEER**

- (a) *That Council receives the correspondence from the Nannup Bowling Club (Inc.) and acknowledges the Club's desire to relocate to the Nannup Recreation Centre. Council advises the Club that it will seek community input into the proposal to construct a new synthetic green at the Recreation Centre through the Community Strategic Plan review process and will continue to keep the Club informed of potential progress for a grant funding application to be submitted through the Department of Sport and Recreation's CSRFF program.*

**CARRIED (6/0)**

- (b) *That Council at the mid-year Budget Review set aside an amount of money to prepare a Master Plan for the old hockey field at the Recreation Grounds in order that Council is fully aware of the available space for proposed/anticipated activities and car parking at this location.*

**CARRIED (6/0)**

AGENDA NUMBER:	12.4
SUBJECT:	Refuse and Recycling Collection Services
LOCATION/ADDRESS:	Nannup Town Site
NAME OF APPLICANT:	Herbert, Smith, Freehills Lawyers
FILE REFERENCE:	HLT 8
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	9 September 2016

**BACKGROUND:**

Herbert, Smith, Freehills Lawyers have advised Council that Warren Blackwood Waste, the company that undertakes Council's kerbside removal services, has entered into a binding sale agreement to sell certain assets of the Warren Blackwood business to Cleanaway Pty Ltd.

**COMMENT:**

The Novation of the Refuse and Recycling Contract between the Shire of Nannup and Warren Blackwood Waste will now be between the Shire of Nannup and Cleanaway Pty Ltd.

On 18 May 2015 Warren Blackwood Waste accepted a three year extension on the original Contract, effective 1 July 2015, and indicated only CPI would be added to the rates for waste and recycling kerb pickups which are based from March to March each year. Cleanaway Pty Ltd will honour the rates set under the acquisition for the 3 year period of the existing Contract extension.

**STATUTORY ENVIRONMENT:**

Requirement for the Shire President and CEO to sign the Novation of Contract.

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil

**RECOMMENDATION:**

That Council authorises the Shire President and CEO to Sign and place Council's Official Seal on the Novation of Contract for Refuse and Recycling Services in the Nannup town site from Warren Blackwood Waste to Cleanaway Pty Ltd.

**VOTING REQUIREMENTS:** Simple Majority

**16127 SLATER/STEER**

***That Council authorises the Shire President and CEO to Sign and place Council's Official Seal on the Novation of Contract for Refuse and Recycling Services in the Nannup town site from Warren Blackwood Waste to Cleanaway Pty Ltd.***

**CARRIED (6/0)**

AGENDA NUMBER:	12.5
SUBJECT:	Amendment No.18 to the <i>Shire of Nannup Local Planning Scheme No. 3</i> : considering submissions
LOCATION/ADDRESS:	Lot 8280 on Plan P201619 Dean Road, Nannup
NAME OF APPLICANT:	Harley Dysktra 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:	13 April 2016
DATE OF REPORT:	14 September 2016
ATTACHMENTS:	12.5.1 - Structure Plan 12.5.2 - Location plan 12.5.3 - Submissions 12.5.4 - Schedule of Submissions 12.5.5 - Recent applicant advice 12.5.6 - Extract of <i>Nannup Townsite Bushfire Hazard Level Assessment</i>

## **BACKGROUND:**

### Proposal

The purpose of this report is for Council to consider the submissions received during the advertising period and to determine whether or not to support Amendment 18.

The applicant, on behalf of the landowner, seeks Council support 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 7,619m<sup>2</sup>. The publicly advertised Structure Plan is shown in Attachment 12.5.1.

The applicant's documentation, which includes a Bushfire Management Plan prepared by FirePlan WA, was provided in the report to Council on 28 April 2016. 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.

### Site context and features

The site's location is shown in Attachment 12.5.2. 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 7,619m<sup>2</sup> east of Dean Road.

### Planning framework

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 *Shire of Nannup Local Planning Strategy* (LPS). The endorsed 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.

The draft LPS has been certified by the Western Australian Planning Commission (WAPC), for the purposes of advertising, subject to various modifications. The Shire has updated the draft LPS and it will shortly be advertised for community and stakeholder comment for a 3 month period. One of the required modifications related to removing the re-subdivision potential of rural residential lots in the Nannup West locality due to bushfire hazard risks.

### Council resolution

At the Council meeting on 28 April 2016, the Council passed the following motion at minute No 16059:

#### *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:*
  - (e) *The amendment proposal is consistent with the endorsed Shire of Nannup Local Planning Strategy.*
  - (f) *The amendment proposal would have minimal impact on land in the scheme area that is not subject of the amendment.*
  - (g) *The amendment proposal will not result in any significant environmental, social, economic, or governance impacts on land in the scheme area.*
  - (h) *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.*

**Shire of Nannup**  
**Ordinary Council Meeting Minutes: 22 September 2016**

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"> <li>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.</li> <li>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.</li> <li>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.</li> <li>4. The local government may as a condition of subdivision request the preparation and implementation of a Foreshore Management Plan.</li> <li>5. 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.</li> </ol>

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

- (e) showing a foreshore reserve generally between 10 – 20 metres wide;
- (f) extending the Building Exclusion Area within 10 metres of existing and proposed property boundaries;
- (g) 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
- (h) 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. Number 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.*

#### EPA decision and community/stakeholder consultation

Following the Council resolution on 28 April 2016, the Environmental Protection Authority (EPA) determined that Amendment 18 was not required to be formally assessed. Following the receipt of the EPA decision, the Shire met the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* through seeking public comment on Amendment 18 for a six week period through:

- writing to adjoining/nearby neighbours along with relevant State Government departments, servicing agencies and other stakeholders;
- placing public notices in local papers and on the Shire office notice board; and
- details being provided on the Shire's website.

#### Submissions

The Shire received 8 submissions on Amendment 18 which are set out in Attachment 12.5.3 and summarised in the Schedule of Submissions in Attachment 12.5.4. The submissions generally raise no objections or provide standard advice. One submission, from Ms Fraser, opposes Amendment 18 for various reasons. Further details are outlined in Attachment 12.5.3, Attachment 12.5.4 and in the 'Comment' section.

In accordance with standard practice, the Shire administration provided the applicant the opportunity to review and provide a response to the submissions. The applicant's response is provided in Attachment 12.5.5.

#### **COMMENT:**

#### Overview

Following an assessment of the submissions against LPS3, the endorsed LPS, draft LPS, relevant State planning policies (SPP) and local planning policies, site conditions and information provided by the applicant, it is suggested that Amendment 18 be supported subject to minor modifications to the Structure Plan. The reasons in support of Amendment 18 include:

- the proposal is considered to be consistent with LPS3 and the endorsed LPS;

- DFES and FirePlan WA are satisfied that the Bushfire Management Plan meets WAPC policy requirements;
- it adjoins other Special Rural lots and the proposed zoning is compatible with adjoining uses;
- it represents a ‘rounding off’ of Special Rural zoning and development in the locality;
- the site is capable of accommodating two additional dwellings; and
- there is overall support from the community and stakeholders.

It is suggested the key issue relating to the proposal is bushfire risks and the ‘weight’ given to different planning strategies (including the endorsed LPS versus draft LPS), policies and LPS3. Now that the draft LPS has been certified by the WAPC, it means the strategy is now a ‘seriously entertained’ document which the local government is required to consider in determining planning proposals.

All comments made in the submissions are summarised in the Schedule of Submissions. The main issues raised are discussed below.

#### Bushfire risk

As previously mentioned, FirePlan WA prepared a Bushfire Management Plan which was included in the documentation provided to Council on 28 April 2016. FirePlan WA concluded that subject to recommended mitigation measures, the proposal is acceptable from a bushfire risk perspective.

The Department of Fire and Emergency Services (DFES) reviewed the Bushfire Management Plan and their advice is set out in Attachment 12.5.3. DFES note the property is in an area of bush fire risk but conclude by stating ‘DFES is content that the bushfire mitigation strategies proposed within the referred document...is satisfactory at this time.’

While noting the above, the WAPC in certifying the draft LPS required removing the re-subdivision potential of rural residential lots in the Nannup West locality due to bushfire hazard risks. Based on WAPC requirements to undertake further bushfire risk planning in and around the Nannup townsite, the Shire administration appointed Lush Fire & Planning to prepare the *Nannup Townsite Bushfire Hazard Level Assessment*. An extract of the assessment is provided in Attachment 12.5.6.

In relation to the Nannup West locality, Lush Fire & Planning in part state in Table 8 that ‘Land at the southern end of Dean Road is not recommended for additional subdivision and vulnerable/ high-risk development due to the single access.’

Given the above, it is suggested there is a need to balance different recommendations in a number of planning documents and assessments. On balance, it is suggested that bushfire risks have been addressed for this proposal given the recent advice from DFES. This complements the assessment from FirePlan WA along with the comments from the applicant in Attachment 12.5.5.



As mentioned in the report to Council on 28 April 2016, it is suggested that the Shire shortly commence 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.

#### Widening Blackwood River foreshore reserve

The current foreshore reserve adjoining the site is relatively narrow and contains native vegetation. It is understood the land is Unallocated Crown Land which by default is the management responsibility of the Department of Lands.

The Council at its meeting on 28 April 2016 did not support a widened foreshore to be ceded to the Shire given the foreshore is inaccessible to vehicular traffic. Additionally, no agency (including the Department of Water) has expressed a willingness to accept management responsibility for a widened foreshore. Accordingly, it is suggested that there is no change to the width of the foreshore adjoining the amendment site. To address this intent, the Structure Plan should be slightly modified as outlined in the Officer Recommendation.

#### Scheme provisions/conditions

The *Planning and Development (Local Planning Schemes) Regulations 2015* have had a significant change on planning in Western Australia including Structure Plans processes. The Regulations contain deemed provisions relating to Structure Plans which override provisions in LPS3. It is accordingly suggested that condition 3 of the proposed provisions, relating to Special Rural No. 16, is now superfluous and should be deleted. This is outlined in the Officer Recommendation.

#### Other issues

Subject to the decision of the Minister for Planning on Amendment 18, it is suggested that other issues with the proposal can be appropriately addressed at the subdivision application, development application or building permit stages.

#### Alternate options

The Council may consider alternate options in relation to the proposal including to:

- resolve to support Amendment 18 with modification;

- resolve not to support Amendment 18 and advise the WAPC of the reasons for doing so;  
or
- recommend to the WAPC that it does not support the Structure Plan.

### Conclusion

The amendment which proposes to rezone the site to Special Rural is consistent with LPS3 and the endorsed LPS. The submissions do not identify any matter that prevents the Amendment or the Structure Plan proceeding. It is accordingly recommended that Amendment 18 be supported by Council subject to minor modifications along with supporting the Structure Plan subject to minor modifications.

### Next steps with the scheme amendment process

Following the Council's decision, Amendment 18 will be assessed by the WAPC and the WAPC will provide its recommendation to the Minister for Planning. The Minister will make the final decision on Amendment 18. If the Minister approves Amendment 18 it will, in time, be gazetted. Following gazettal, the applicant and/or landowner are then required to gain relevant approvals at the subdivision application, development application and building permit stages.

### **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 processing fee.

### **STRATEGIC IMPLICATIONS:**

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

**RECOMMENDATION:**

That Council:

1. In accordance with section 75 of the *Planning and Development Act 2005* and Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, support Amendment No. 18 to the *Shire of Nannup Local Planning Scheme No. 3* through rezoning Lot 8280 on Plan P201619 Dean Road, Nannup from 'Agriculture' to 'Special Rural'.
2. Amend Schedule 12 of the Scheme through adding Conditions for Special Rural Zone No. 16 (SR16) as follows:

No.	DESCRIPTION OF LAND	CONDITIONS
SR16	Lot 8280 Dean Road, Nannup	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. The local government may as a condition of subdivision request the preparation and implementation of a Foreshore Management Plan.</li> <li>4. 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.</li> </ol>

3. Advise the Western Australian Planning Commission and the Honourable Minister for Planning to delete Condition 3 of the publicly advertised version of Amendment 18 which stated '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' to ensure consistency with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Pursuant to Regulation 53 of the *Planning and Development (Local Planning*

*Schemes) Regulations 2015, resolves to endorse the local government comments and the local government recommendation in the 'Schedule of Submissions' at Attachment 12.5.4.*

5. Authorises the Shire President and Chief Executive Officer to execute and place the Common Seal on the Amendment No. 18 documents.
6. Refer Scheme Amendment No. 18 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.
7. Recommend to the Western Australian Planning Commission that it approves the Structure Plan provided in Attachment 12.5.1 subject to the following modifications:
  - (a) delete a widened foreshore reserve on the plan and in the legend;
  - (b) delete Provision 5; and
  - (c) delete 'construction of a path' in Provision 6.

CEO Clarke left the meeting at 4:15pm.

CEO Clarke returned to the meeting at 4:18pm

**VOTING REQUIREMENTS:** Simple Majority

***16128 LONGMORE/GILBERT***

***That Council:***

- 1. In accordance with section 75 of the Planning and Development Act 2005 and Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015, support Amendment No. 18 to the Shire of Nannup Local Planning Scheme No. 3 through rezoning Lot 8280 on Plan P201619 Dean Road, Nannup from 'Agriculture' to 'Special Rural'.***
- 2. Amend Schedule 12 of the Scheme through adding Conditions for Special Rural Zone No. 16 (SR16) as follows:***

<b>No.</b>	<b>DESCRIPTION OF LAND</b>	<b>CONDITIONS</b>
SR16	Lot 8280 Dean Road, Nannup	<p><b>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.</b></p> <p><b>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.</b></p> <p><b>3. The local government may as a condition of subdivision request the preparation and implementation of a Foreshore Management Plan.</b></p> <p><b>4. 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.</b></p>

3. **Advise the Western Australian Planning Commission and the Honourable Minister for Planning to delete Condition 3 of the publicly advertised version of Amendment 18 which stated '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' to ensure consistency with the Planning and Development (Local Planning Schemes) Regulations 2015.**
4. **Pursuant to Regulation 53 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse the local government comments and the local government recommendation in the 'Schedule of Submissions' at Attachment 12.5.4.**
5. **Authorises the Shire President and Chief Executive Officer to execute and place the Common Seal on the Amendment No. 18 documents.**
6. **Refer Scheme Amendment No. 18 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.**

**7. Recommend to the Western Australian Planning Commission that it approves the Structure Plan provided in Attachment 12.5.1 subject to the following modifications:**

- (d) delete a widened foreshore reserve on the plan and in the legend;**
- (e) delete Provision 5; and**
- (f) delete 'construction of a path' in Provision 6.**

**CARRIED (5/1)**  
**VOTING AGAINST THE MOTION: FRASER**

AGENDA NUMBER:	12.6
SUBJECT:	Nannup Film Society fit out of Town Hall
LOCATION/ADDRESS:	Warren Rd
NAME OF APPLICANT:	Mrs Alison Kay- Nannup Film Society
FILE REFERENCE:	
AUTHOR:	Louise Stokes- Economic & Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	13 September 2016
ATTACHMENT:	12.6.1 – Nannup Film Society Approval Request

**BACKGROUND:**

Mrs Alison Kay, Coordinator of the Nannup Film Society, has written to Council requesting permission to install film equipment into the Nannup Town Hall.

The Nannup Film Society has received funding in full to install film equipment to enable films to be screened with higher quality in the Town hall.

Funding has been received from:  
South West Development Commission - Community Chest Fund  
Shire of Nannup - Community Grant  
Scott River Charity Ball  
Theatre Installation Services  
Nannup Film Society

Equipment to be installed includes:  
Admiral Screen Item: 4520029-3 16:9 2490 hx 4425w (remote controlled)  
Epsom Projector EB- 198 WUXGA  
Blu-Ray Player Sony BDPS5500  
Stage Speaker KX- 5255M (x2)  
Surround Speaker KX 1870 (x2)  
Processor DCA-10D

It is acknowledged that all equipment will be covered by the Nannup Film Society's insurance and that Council takes no responsibility or accepts liability for equipment housed in the Town Hall. Should the Nannup Film Society fold, the equipment would be removed at the cost of the Nannup Film Society.

**COMMENT:**

A site inspection has been conducted by the Building Officer and is supported, subject to Council approval.

The Nannup Film Society screens films three times per month and will seek additional funding to screen free community films once the new equipment is installed.

It is also anticipated that a partnership will be formed in 2017 with Cinefest Oz for community screenings in Nannup.

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

No financial implications for Council

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community – Strategy 1.1  
All of us/Who we are- Support the development of a self-sufficient community

**RECOMMENDATION:**

That Council approves the installation of the film equipment at the expense of the Nannup Film Society into the Nannup Town Hall.

**VOTING REQUIREMENTS:** Simple Majority

**16129 LONGMORE/SLATER**

***That Council approves the installation of the film equipment at the expense of the Nannup Film Society into the Nannup Town Hall.***

**CARRIED (6/0)**



AGENDA NUMBER:	12.7
SUBJECT:	Rural Numbering System
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	
FILE REFERENCE:	FNC3
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCE:	
DATE OF REPORT:	13 September 2016

**BACKGROUND:**

Rural Property Addressing is a joint State and Local Government initiative aimed at providing all rural properties, including occupied homes, infrastructure and commercial properties a nationally consistent numbered address consisting of a property number, road name and locality. This initiative provides a distance-based road number (based on the national standard) for the road access point to occupied properties that will assist emergency services and other service providers to find homes and businesses alike in rural localities.

The Rural Numbering System formula is consistent with other rural property addressing allocations throughout Australia. The formula is calculated as the distance from the beginning of a road to the property driveway in metres, and then divided by ten. Odd numbers allocated on the left, even numbers on the right from the roads determined beginning.

**COMMENT:**

The Shire of Nannup has been a late adopter of this initiative with neighbouring Councils having completed their Rural Numbering program in previous years. Costings completed in previous financial years estimated that the overall cost to complete such a project was substantial and as a result the project was not commenced. Concerned local residents raised the issue of completing this initiative within our preliminary budget workshops in 2016/17 and as a result Council included a sum of \$25,000 within the 2016/17 budget to start the project. It was anticipated that unless funding was sourced via a grant application that this project would take two financial periods to complete. Once the 2016/17 Budget was adopted the services of Derrick McNutt, Dracom Services, was recruited to commence the first stage of this project with the initial outcome expected to be half of all rural properties having the Rural Numbering System installed at their properties this financial year and the remainder of properties being completed within the 2017/18 financial year.

The implementation of the project has progressed beyond initial expectations and it is now expected that the project can be completed within the 2016/17 financial year albeit at a cost of approximately \$10,000 in excess of budget predictions. It was considered by management that it would be preferable to complete the project this financial year rather than extending it out over a two year period.

Therefore Dracom Services have been instructed to continue with the implementation process with the view of seeking Council's retrospective approval for this overspend. A full review and the impact that this overspend will have will be included within the 2016/17 Budget Review expected in February 2017 and it is considered that anticipated savings in other areas of Council operations will cover these costs.

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

An overspend of an estimated \$10,000 within the Annual Budget for 2016/17

**STRATEGIC IMPLICATIONS:**

Community Strategic Plan 1.1 promote a connected, safe and healthy town

**RECOMMENDATION:**

That Council endorses Management's decision to continue with the implementation of the Rural Numbering System and that at the 2016/17 Budget Review the impact of this overspend will be provided for based on savings in other areas of Council's operations.

**VOTING REQUIREMENTS:** Simple Majority

**16130 LONGMORE/SLATER**

***That Council endorses Management's decision to continue with the implementation of the Rural Numbering System and that at the 2016/17 Budget Review the impact of this overspend will be provided for based on savings in other areas of Council's operations.***

**CARRIED (6/0)**

AGENDA NUMBER:	12.8
SUBJECT:	Budget Monitoring – July & August 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:	14 September 2016
ATTACHMENTS:	12.8.1 – Financial Statements for the period ending 31 July 2016 12.8.2 – Financial Statements for the period ending 31 August 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 \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.8.1 and 12.8.2.

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:**

There is an expected variance of \$10,000 deficit anticipated at the end of this financial year. It is also anticipated that this overspend will be compensated within other areas of the budget resulting in a nil effect overall. The overall effect of this overspend will be reviewed and analysed within the Budget Review expected in February 2017. Therefore the overspend below is shown only in an effort to remain transparent.

	<i>(Surplus)/Deficit</i>
<b>Gross (surplus)/deficit expected for the year</b>	
Income	\$0
Expenditure	\$10,000
<b>Total Overspend/(Underspend) Anticipated</b>	<b>\$10,000</b>

At this early point in the financial year most expenditure is expected to be contained within budgets and no major overspends are anticipated.

**OPERATING BY PROGRAM:**

*Law & Order:* Rural Numbering Program Estimated to be over budget by \$10,000.

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That the Monthly Financial Statements for the period ending 31 July 2016 and period ending 31 August 2016 be received.

**VOTING REQUIREMENTS:** Simple Majority

**16131 FRASER/STEER**

***That the Monthly Financial Statements for the period ending 31 July 2016 and period ending 31 August 2016 be received.***

**CARRIED (6/0)**

AGENDA NUMBER:	12.9
SUBJECT:	Monthly Accounts for Payment - August 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	14 September 2016
ATTACHMENTS:	12.9.1 – Accounts for Payment – August 2016 12.9.2 – Credit Card Transactions – August 2016

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 31 August 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	8573 – 8690	\$350,092.89
Accounts paid by cheque	20070 – 20089	\$17,645.31
Accounts paid by Direct Debit	DD9666.1 – DD9673.7	\$36,903.27
Sub Total Municipal Account		\$404,641.47

**Trust Account**

Accounts paid by EFT		\$0.00
Accounts Paid by cheque		\$0.00
SubTotal Trust Account		\$0.00
<b>Total Payments</b>		<b>\$404,641.47</b>

**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 \$404,641.47 for period 1 August 2016 to 31 August 2016 in the attached schedule be endorsed.

**VOTING REQUIREMENTS:** Simple majority

**16132 GILBERT/FRASER**

***That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$404,641.47 for period 1 August 2016 to 31 August 2016 in the attached schedule be endorsed.***

***CARRIED (6/0)***

**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**

Nil

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

Nil

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

**MOTION TO RESCIND MINUTE NO'S 16106 & 16107 – 28 JULY ORDINARY MEETING OF COUNCIL**

Two Proximity Declaration of Interests were received.

1. Councillor Anthony Dean - Item 15.1 on the ground of being an adjacent lessee of property
2. Councillor Charles Gilbert - Item 15.1 on the ground of being an adjacent landowner

Cr Gilbert left the meeting at 5:30pm

Cr Dean left the meeting at 5:31pm.

The CEO advised that as the Shire President had vacated the Chamber, and in the absence of the Deputy Shire President, a Councillor would need to be nominated to Chair the meeting.

Cr Steer was nominated and as there were no further nominations, the CEO declared Cr Steer as Chair for the following item:-

Cr Steer took the Chair.

### **Background**

On 7 August 2016 Cr Slater advised Councillors via email that it was her intention to submit a Notice of Motion to rescind Minute No's 16106 and 16107 from the 28 July 2016 Ordinary meeting of Council.

The CEO provided information on Tuesday, 9 August 2016 of the reasons for Cr Slater's proposal to submit Rescission Motion, which was based upon the fact that Crs Dean and Gilbert had declared a Proximity Interest in relation to these matters and should have vacated the Chamber prior to discussion and voting upon the matter.

The CEO had indicated that in discussions with the Department of Local Government, this was considered to be a minor breach based on the nature of the issues and to resolve the matter, Rescission of the Motions be undertaken with Crs Dean and Gilbert vacating the Chamber. As previously advised, Staff have taken no actions of Motions 16106 and 16107, which were as follows:-

#### **16106 DEAN/GILBERT**

*That this Council run a public competition for the naming of the new laneway purchased from the Catholic Church."*

*EQUALITY OF VOTES (3/3)  
THE SHIRE PRESIDENT EXERCISED HIS RIGHT FOR A CASTING VOTE  
THE MOTION WAS CARRIED  
VOTING AGAINST THE MOTION: SLATER/GILBERT/LONGMORE*

#### **16107 DEAN/GILBERT**

That this Council seek to construct and seal the CBD Laneway (Rear of Chemist)

*EQUALITY OF VOTES (3/3)  
THE SHIRE PRESIDENT EXERCISED HIS RIGHT FOR A CASTING VOTE  
THE MOTION WAS CARRIED  
VOTING AGAINST THE MOTION: SLATER/GILBERT/LONGMORE*

Cr Slater has now submitted the formal Notice of Motion:-

***\*That Council Rescinds Motions 16106 and 16107 of the 28 July Ordinary Meeting of Council.***

#### ***\*Absolute Majority Required***

In accordance with the provisions of Section 5.25(1)(e) of the *Local Government Act 1995* and Section 10 of the *Local Government (Administration) Regulations 1996* relating to revoking or changing decisions made at Council or Committee meetings, Cr's Longmore and Fraser have indicated in writing of their support for the Rescission Motion submitted by Cr Slater to be presented for consideration.



**16133 SLATER/LONGMORE**

***That Council Rescinds Motions 16106 and 16107 of the 28 July Ordinary Meeting of Council.***

***CARRIED BY ABSOLUTE MAJORITY (4/0)***

Cr's Gilbert & Dean returned to the meeting at 5:36pm.

Cr Steer in vacating the Chair advised Cr's Dean and Gilbert that Motions 16106 and 16107 had been rescinded.

The Shire President resumed the chair.

**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 5:38pm.