



Shire of  
**Nannup**  
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# Agenda

Council Meeting to be held  
on Thursday 20 October 2016  
Commencing at 4.15pm

# Agenda

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**  
(previously approved) - Nil
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

## **Mrs Rita Stallard**

The following questions were taken on notice at the Ordinary Council meeting of 22 September 2016. Mrs Stallard was provided with a written response from the CEO on 28 September 2016. The response from the Shire is recorded accordingly:-

### **Question 1**

*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:**

**Firstly, Councillors had been briefed on the action that had been taken by staff in respect to the ongoing issue relating to your neighbour's dog and additional action taken against yourself for not registering your dogs.**

In respect to the processes for barking complaints, the information pack provided to you, which includes the requirement to provide a diary on the occurrences of barking, is standard practice as staff need to collate all the necessary documentation in the event that the matter is referred to Court for prosecution. If other neighbours have provided similar written complaints regarding excessive barking, then they too will be requested to diarise the barking activities. As I understand, no other official complaints have been received.

With regards to the alleged “destructive and aggressive behaviour” of the neighbour’s dog, the Shire Ranger has been in constant contact with owner of the dog regarding the complaint, but such an accusation must have substance and this has not been determined as yet. However, the owner has been issued an Infringement Notice for allowing the dog to wander at large and the Ranger is working with the owner for improved fencing to be erected to contain the dog.

In relation to the statement of “threats to my life by the owner of the dog”, this is a Police matter and should be referred to the local Police for their action.

The letter forwarded to you by Councils Manager Corporate Services, dated 21 September 2016, referencing requirements of the *Dog Act 1976 (the Act)* to microchip and register your dogs is again common practice, as is the issuing of Infringement Notices to you for failing to comply with this requirement. I am not aware of any correspondence to you that quotes “seize and destroy orders” being issued.

**Question 2**

*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 action taken against you under the *Act* has no bearing on your recent criticisms of Shire Policy or your perceived incapacity of the Shire to resolve the issue pertaining to your neighbour’s dogs. As indicated in the Manager Corporate Services letter of 12 September 2016, processes involved in resolving dog issues can be tedious and frustrating to the complainant, but processes must be undertaken and where possible, Council staff will work with all parties to obtain a satisfactory resolution. It is considered that this is objective is being undertaken.

**Question 3**

*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:**

**In relation to the letter of 21 September 2016 providing extracts from the Act and potential fines that can be imposed by the Court, this was provided to you to indicate the requirements of the Act, and responsibilities of owners to microchip and register their dogs after 3 months of age. As you have neglected to adhere to these requirements the Ranger was obligated to issue the Infringement Notices.**

**Whenever you have raised a complaint regarding the offending dog/s, Council's Ranger has responded accordingly and your complaints are taken seriously. The allegation that the dog regularly stands at your front door and denies you access to your home has yet to be substantiated.**

**Question 4**

*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?*

*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:**

**I can assure that in all of the dealings with your neighbour's regarding their dogs, they have been made aware of the requirements of the Act, exactly as you have, and again, Council is working with them to identify the issues and resolve this amicably.**

**As Council's Ranger has stated to you, your dogs should have been microchipped and registered after 3 months of age. You were given the opportunity of undertaking this requirement but you opted not to. The Manager Corporate Services letter of 21 September 2016 indicates**

in Section 21(4) of the *Act* that “a dog is exempt from microchipping if a certificate given by a veterinarian stating that the implantation of a microchip in the dog may adversely affect the health and welfare of the dog applies in respect of the dog”.

Council has no doubt that your dogs are looked after, are loyal companions and are well trained. This is not the issue. The *Act* requires certain things to be adhered too and Council and staff are merely carrying out the requirements of this piece of Western Australian legislation.

**Question 5**

*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:**

**See Question 4 in respect to exemptions relating to microchipping.**

**Question 6**

*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:**

**As indicated in Question 4, Council does not deny that your dogs are well trained and do not stray, the issue of non-microchipped and unregistered dogs and your failure to adhere to this requirement of the *Act* are the reasons for the issuing of Infringement Notices.**

**Question 7**

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

**Response:**

**Firstly, Council does not have the resources to personally contact or carry out individual inspections of all premises in the Shire to ascertain whether dogs are registered or not. Council does however advertise periodically in the “*Telegraph*” newsletter of the requirement for dog owners to register their dogs and similar notification is**

provided in the “Information Booklet” that is distributed with the Rate Notices annually.

The onus is upon the dog owner to register their animals. If Council staff become aware of the failure of owners to microchip and register their dogs, similar action that has been taken against you will also be taken against them.

**Question 8**

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

**Response:**

If Council staff receive reports of roaming dogs, every effort will be given to apprehending the offending animals and the owners Infringed for allowing their dogs to roam and, if they are found not to be microchipped or registered, they will also face similar Infringement action.

The Shire of Nannup previously engaged the services of the City of Busselton to undertake Ranger services and this was deemed by Council to be unworkable when matters arose and response times to issues were prolonged. The initiative to appoint one of our own staff as a part-time Ranger, with the person willing to do the required training, has seen dog issues responded to in a more timely manner. Council is firmly of the opinion that the person who undertakes this role is dedicated to his position and shows the necessary compassion when dealing with difficult situations.

Many times the issues become personal with the dog issue secondary and this requires a level of mediation between the parties to resolve the matter.

**Question 9**

*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:**

**Council staff have not singled anybody out in this matter and nor will they in undertaking their duties. Council is confident that through negotiations and working with the parties, a successful outcome will be achieved, albeit though, if individuals are not adhering to the *Act*, then necessary action will be taken as has been done on this occasion.**

**Mr Len Gilchrist**

The following questions were taken on notice at the Ordinary Council meeting of 22 September 2016. Mr Gilchrist was provided with a written response from the CEO on 28 September 2016. The response from the Shire is recorded accordingly:-

***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:**

**From a local government perspective, the following Officers are authorised to enter premises without the express authorisation of the owner in cases of health matters and emergency situations:-**

- **Health Surveyor – In accordance with provisions of the Health Act 1911 and the newly legislated Health Act 2016.**
- **Fire Control Officers – In accordance with the Bush Fires Act 1954 in case of Bush Fire emergencies; and**
- **Shire Ranger – In accordance with the Dog Act 1976 in cases relating to apprehension of dangerous dogs.**

**In respect to other emergency response authorities, you would need to contact them to ascertain their level of authorisation to enter premises in case of emergencies.**

***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:-**

**“Give Way” and “Stop” signs are classed as Regulatory signage and Main Roads WA is the responsible authority for granting permission for this type of signage to be erected. If requests are made to the Shire of Nannup for Regulatory signage to be installed on roads, Main Roads are contacted to gain the necessary approvals.**

**Assessments are made on traffic counts and whether Main Roads perceives that the installation of the signage would improve safety aspects at the requested location. If approved, the signage becomes the responsibility of Main Roads and the Shire of Nannup has no jurisdiction over the signage.**

**As far as Council is aware, no requests have been forthcoming for such signage to be erected at the Blackwood Drive and Dean Road “T” junction however, the Manager for Infrastructure has now referred the matter to Main Roads for their assessment and I will inform you of Main Roads response once it has been received.**

- 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 22 September 2016 be confirmed as a true and correct record.



**9. MINUTES OF COUNCIL COMMITTEES**

**9.1 Business Initiative Group Nannup**

That the Minutes of the BIGN meeting held on Thursday 1 September 2016 be received.

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

**11. REPORTS BY MEMBERS ATTENDING COMMITTEES**

**12. REPORTS OF OFFICERS**

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

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**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:	Council Meetings 2017 – Dates and Times
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	5 October 2016

## **BACKGROUND:**

Section 12 of the *Local Government (Administration) Regulations 1996* requires a Local Government to at least once a year give local public notice of the dates on which and the time and place at which:-

- (a) the ordinary council meetings;
- (b) the committee meetings that are required under the *Act* to be open to members of the public or that are proposed to be open to members of the public; and
- (c) are to be held in the next 12 months.

## **COMMENT:**

The proposed dates for the 2017 monthly Council meetings, subject to consideration of meeting times:-

*Wednesday, 25 January 2017	Thursday, 27 July 2017
Thursday, 23 February 2017	Thursday, 24 August 2017
Thursday, 23 March 2017	Thursday, 28 September 2017
Thursday, 27 April 2017	Thursday, 26 October 2017
Thursday, 25 May 2017	Thursday, 23 November 2017
Thursday, 22 June 2017	

Historically Council does not conduct an Ordinary Meeting in December and again this has been excluded from the scheduled meeting dates for 2017. Council may wish to consider its position in respect to the conduct of a meeting in December and possibly exclude the January meeting as it is normally a very quiet period at the year's commencement.

\*It should be noted that the 26 January 2017 scheduled meeting falls on the Australia Day Public Holiday and therefore Council may wish to consider re-scheduling this meeting to **Wednesday, 25 January 2017**.

In submitting the above meeting dates for 2017, Council may also wish to review meeting commencement times.

**STATUTORY ENVIRONMENT:**

Section 12 of the *Local Government (Administration) Regulations 1996* relating to advertising meeting times and dates.

**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 in accordance with Section 12 of the *Local Government (Administration) Regulations 1996* relating to the advertising of meeting times and dates of monthly Ordinary meetings, the following schedule of times and dates be adopted for the 2017 calendar year:-

Information Session to commence at 3.15pm

Monthly Ordinary Council meetings to commence at 4.15pm on the following dates:-

* <b>Wednesday, 25 January 2017</b>	Thursday, 27 July 2017
Thursday, 23 February 2017	Thursday, 24 August 2017
Thursday, 23 March 2017	Thursday, 28 September 2017
Thursday, 27 April 2017	Thursday, 26 October 2017
Thursday, 25 May 2017	Thursday, 23 November 2017
Thursday, 22 June 2017	

**VOTING REQUIREMENTS:** Simple Majority

**Shire of Nannup**  
**Ordinary Council Meeting Agenda: October 2016**

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AGENDA NUMBER:	12.2
SUBJECT:	Annual Councillor/Employee Christmas Function and Christmas Shut Down
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	5 October 2016

**BACKGROUND:**

With Christmas fast approaching it is necessary for Council to consider whether it wishes to conduct a Councillor/Employee end of year function, and if so, this will enable staff to commence organising same.

**COMMENT:**

It is considered that such a function enables Council to formally thank its employees for their efforts throughout the year and provides the opportunity for Councillors to meet with all of the Shire of Nannup employees in a social atmosphere. Such a function also has the ability to lift employee morale in being recognised for their efforts.

In 2015 Council conducted an informal function at the Nannup Recreation Centre Function Room and from observations of senior staff, this was well accepted by all of Council's employees. To encourage all employees to attend the function, it is proposed to conduct this function on the afternoon of Thursday 22 December commencing at 2pm.

As per previous years, all employees take a break over the Christmas period which incorporates weekends, public holiday's, annual leave and accumulated rostered days off between the dates below. This includes the Shire office being closed on the following dates:-

Thursday, 22 December 2016	Close 12 noon, Christmas Function 2pm
Friday, 23 December 2016	Annual Leave/RDO
Saturday, 24 December 2016	Weekend
Sunday, 25 December 2016	“ (Christmas Day)
Monday, 26 December 2016	Public Holiday (Boxing Day)
Tuesday, 27 December 2016	“ “ (in-lieu of Sunday, 25 <sup>th</sup> )

**Shire of Nannup**  
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Wednesday, 28 December 2016	Annual Leave/RDO
Thursday, 29 December 2016	“ “
Friday, 30 December 2016	“ “
Saturday, 31 December 2016	Weekend
Sunday, 1 January 2017	“ (New Year’s Day)
Monday, 2 January 2017	Public Holiday (in-lieu of Sunday, 1 <sup>st</sup> )
Tuesday, 3 January 2017	Normal Work Pattern Resumes

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

Provision for expenditure associated with the end of year function would be allocated from the annual Refreshments and Entertainment allocation.

**STRATEGIC IMPLICATIONS:** Nil

**RECOMMENDATION:**

That Council conducts an end of year/Christmas function for all Shire of Nannup employees on the afternoon of Thursday 22 December 2016 in a similar format to that which was conducted in 2015. Council also approves of the Shire Office being closed over the 2016/2017 Christmas/New Year break.

**VOTING REQUIREMENTS:** Simple Majority

AGENDA NUMBER:	12.3
SUBJECT:	Request to Waive Town Hall Hire Fees
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Mr Trevor Holm – Coordinator 2017 South West Black Dog Ride
FILE REFERENCE:	ASS 1
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	6 October 2016

**BACKGROUND:**

Mr Trevor Holm, Coordinator for the 2017 South West Black Dog Ride has written to Council advising that on Sunday, 19 March 2017 the “South West One Day Black Dog Ride” will be calling into Nannup for a morning tea stop. The riders will be availing of a 30-40 minute break as part of their route from Busselton to Collie.

Mr Holm advises that the Black Dog Rides past arrangement has been for morning tea to be available through the support of the local CWA ladies at the Nannup Town Hall. It is in this regard that the Black Dog Ride Organising Committee seeks the support of the Shire of Nannup to waive the associated fees for the use of the Hall.

Mr Holm advises that the Black Dog Ride event is entirely voluntary and is a key activity in raising mental health awareness and suicide prevention.

**COMMENT:**

The Black Dog Ride began in 2009 to raise awareness of depression, developing into national suicide prevention charity involving thousands of Australian motorcycle riders who have raised over \$2.2M for mental health services, fostering mental health awareness around the country.

The Black Dog Ride has been a regular feature on the Nannup event calendar and the small contribution of waiving Hall Hire Fees is one way in which the Shire of Nannup can contribute to the event.

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:**

Council Policy No.BLD 1 relating to the “Use/Hire of Community Facilities” 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:**

The normal hire fee based on an hourly rate for the Town Hall is \$25.00.

**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 waives the Town Hall Hire Fee for the Black Dog Ride event to be held on Sunday, 19 March 2017.

**VOTING REQUIREMENTS:** Simple Majority



AGENDA NUMBER:	12.4
SUBJECT:	WA Small Business Friendly Local Governments Initiative – Invitation to Participate
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Small Business Development Corporation
FILE REFERENCE:	ADM 24
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	7 October 2016
ATTACHMENT:	12.4.1 – Small Business Friendly Initiative Brochure

**BACKGROUND:**

David Eaton, Small Business Commissioner with the WA Governments Small Business Development Corporation (SBDC), has written to Council to advise that on 9 August 2016, the Ministers for Small Business and Local Government formally launched the Western Australian Small Business Friendly Local Governments (SBFLG) initiative.

Mr Eaton advises that the SBDC is an independent statutory authority of the Government of WA with a focus on facilitating a strong and enterprising small business sector in the State. The SBDC provides small businesses with advice and guidance, education and skill development programs, alternative dispute resolution services and advocacy to government on behalf of the small business sector. The SBDC also recognise the local government sector as an important stakeholder for small business and are keen to develop collaborative relationships moving forward.

Mr Eaton advises that in recent years he has witnessed local governments embracing small businesses and developing some innovative ways of supporting their growth and contribution to local communities. For this reason, he felt there was a benefit for these local governments to be publicly recognised as small business friendly. Mr Eaton also believes there is an opportunity to assist the wider local government sector to better understand small businesses and make practical steps to support their establishment and growth.

Mr Eaton further advises that the SBFLG initiative has been designed specifically to address this opportunity. It is anticipated that it will also create a platform for local governments to share their experiences and learn from their leading peers to become small business friendly.

Mr Eaton indicates that his office sees the SBFLG initiative as a catalyst for economic growth at the local level and a valuable partnership between the SBDC and the local government sector.

**COMMENT:**

It is considered that Council does support small business development in Nannup through its involvement with the Business Initiative Group (BigN) and the strategies outlined in the Community Strategic Plan under the theme of “Our Economy”.

The Small Business Friendly Local Governments initiative is a further way in which Council can become active and work with small businesses and their development in the Shire of Nannup. The SBDC has advised that if Council did embrace this initiative, it would require the participating local government’s CEO to sign a Charter and report twice annually on progress towards the Charter’s requirements to ensure the initiative has credibility and integrity. The reporting is designed to be brief and ideally limited to two pages.

At a meeting of the BigN on Thursday, 6 October 2016, the CEO advised attendees of the SBFLG initiative and members were supportive of Council embracing this program.

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2013-2023 “Our Economy” – Sustainability is the key to Nannup’s Future.

**RECOMMENDATION:**

That Council recognises the importance of the Small Business Development Corporation’s “Small Business Friendly Local Government” initiative and as a show of the support to the BigN and small business in the Shire of Nannup, Council advises the SBDC that it is willing to participate in this initiative and authorises the CEO to sign the Charter recognising the requirements of the program.

**VOTING REQUIREMENTS:** Simple Majority

AGENDA NUMBER:	12.5
SUBJECT:	Former Quannup Pastoral Lease
LOCATION/ADDRESS:	Part of Lot 13335 of Deposited Plan 238457 being Part of the land on Certificate of Crown Lan Title Volume LR3139 Folio 633
NAME OF APPLICANT:	Department of Lands
FILE REFERENCE:	ADM38A
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	10 October 2016
ATTACHMENT:	12.5.1 – Grant of Licence Agreement

**BACKGROUND:**

At the March 2016 Ordinary meeting of Council the following was resolved in respect to pursuing a Grant of Licence Agreement for the Quannup Land:-

*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)*

The Department of Lands has now provided the Licence Agreement for Council's consideration.

**COMMENT:**

The Department has agreed to Council's request and a 5 year term with a similar 5 year option to renew has been granted at a peppercorn rental.

Now that the Minister for Lands has agreed to the granting of the Licence Agreement to the Shire of Nannup under the terms sought by Council, it is important that the Working Party be appointed as soon as possible to progress planning for the future development of the land. Options for feasibility studies on future development options could include potential partnerships with developers.

As reported at the March 2016 Ordinary meeting, the Quannup land has significant opportunities for tourism development and would be beneficial to the growth of tourism in the Shire of Nannup however, consideration needs to be given to potential costs that could be incurred by Council over the planning period and acknowledging that such costs are not known at this stage, it is something that must be taken into consideration.

**STATUTORY ENVIRONMENT:**

Section 91 of the *Land Administration Act 1997*

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:** Nil at this stage

**STRATEGIC IMPLICATIONS:** Nil

**RECOMMENDATION:**

1. That Council authorises the Shire President and CEO to sign and seal the Deed of Licence Agreement for Part of Lot 13335 of Deposited Plan 238457 being Part of the land on Certificate of Crown Land Title Volume LR3139 Folio 633 (Quannup land); and
2. That Council appoints the following Councillors and staff to the Quannup Working Party, including the ability to co-opt other members from time to time that Council deems appropriate to progress the future planning for the Quannup land:-

Crs.....

CEO  
Manager Corporate Services  
Manager Infrastructure  
Economic and Community Development Officer  
Development Services Officer

**VOTING REQUIREMENTS:** Simple Majority

# **ECONOMIC & COMMUNITY DEVELOPMENT SERVICES**

AGENDA NUMBER:	12.6
SUBJECT:	Nannup Mountain Bike Club Pump Track
LOCATION/ADDRESS:	Marinko Tomas Playground, Warren Rd
NAME OF APPLICANT:	Louise Stokes- Economic & Community Development Officer
FILE REFERENCE:	FNC 60
AUTHOR:	Louise Stokes- Economic & Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	10 October 2016
ATTACHMENT:	12.6.1 – Examples of a bike pump track. 12.6.2 – Photos of proposed site 12.6.3 – Google map site location

## **BACKGROUND:**

On the 28<sup>th</sup> September a meeting was held with the Nannup Police, Councillors and representatives of the Nannup District High School Council at the request of School Council member Phaedra Watts, following one of the School Council's recent meetings in which concerns were expressed regarding behavioural attitudes by young teenagers and their propensity to get into trouble.

The meeting discussed opportunities for community engagement of youth and the need to identify an activity that youth can take ownership of.

It was discussed that many local youth are engaged in mountain biking and Council as part of the January school holiday program partnered with the Nannup Mountain Bike Club to host a workshop where youth made their own bike from recycled bikes. Whilst many young people ride out to the downhill trails in the hills around Nannup, it has been identified that a track in a visible location in the townsite would provide activity for youth and children.

Three potential sites were identified of:

- On the hockey oval,
- Bush area to the south of the main oval and

- An area between the Marinko Tomas playground and the Nannup Golf Course.

**COMMENT:**

A site inspection of the identified sites has been conducted on the 5<sup>th</sup> October by the Chief Executive Officer, Manager Infrastructure and Economic & Community Development Officer in conjunction with representatives from the Nannup Mountain Bike Club and Councillors Steer and Fraser.

The use of the hockey oval is not supported as there are existing plans for the development of this area into the future.

The use of the bush area to the south of the existing oval is not supported as there may be potential in the future to extend the oval and any development may push into this area with service roads. This area also does not achieve the aim of the Nannup Mountain Bike Club to have the pump track in a highly visible location.

The location between the Marinko Tomas playground and the Golf Course is supported. The dimensions of the site are approximately 50m x 17m.

The existing pipe/rock play equipment could remain however does not comply with the Australian Playground Standards and is recommended that this is updated and relocated to another location within the playground.

Whilst the Nannup Mountain Bike Club do not require the removal of any trees for this development, it is recommended that some trees are removed to make the area safe.

The Nannup Mountain Bike Club would manage the project and could apply for funding through the Department of Sport & Recreation or the Crime Prevention programs if required. Community engagement workshops would encourage young people to be involved and have input into the design of the track. Construction workshops would then engage with young people and give them the ownership of the project.

An MOU would be developed between Council and the Nannup Mountain Bike Club outlining maintenance responsibilities. Legal liability would remain with Council, as per the skate park site.

**STATUTORY ENVIRONMENT:** Nil

**POLICY IMPLICATIONS:** Nil

**FINANCIAL IMPLICATIONS:**

Relocation of the existing pipe/rock play equipment, removal of identified trees, inspection of the pump track prior to opening to the public and annual maintenance inspections.

**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
- Our Community – Strategy 1.3 Our youth- Create a youth friendly town.

**RECOMMENDATIONS:**

That Council approves the location between the Marinko Tomas playground and the golf course for the development of a bike pump track through the Nannup Mountain Bike Club.

That Council endorses the removal of identified trees at the Marinko Tomas playground area.

**VOTING REQUIREMENTS:** Simple Majority

# **FINANCE & ADMINISTRATION**

AGENDA NUMBER:	12.7
SUBJECT:	Exemption From Waste Management Levy – Donnelly River Residents
LOCATION/ADDRESS:	Donnelly River
NAME OF APPLICANT:	
FILE REFERENCE:	HLT 2
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 October 2016

## **BACKGROUND:**

At the beginning of the 2014/15 financial year Council resolved that an annual Waste Management Levy (WML) raised under *the Waste Avoidance and Resource Recovery Act 2007* would be raised on all ratepayers within the Shire of Nannup. This levy replaced the previous Waste Management Pass that had required the gatekeeper of this facility to check that those depositing into this site had paid for a current pass or were paying per waste drop off.

Overall the prior system had been time consuming, caused continued animosity between facility users and gatekeepers by placing the gatekeeper in the unenviable position of requesting proof before residents were allowed to use the facility without providing payment per usage.

At the beginning of this financial year during budget considerations it was resolved to implement an addition to the WML in which under certain conditions ratepayers could be exempt from paying multiple WML's, however all ratepayers were still required to pay one fee regardless of their proximity to this facility.

## **COMMENT:**

As Councillors will be aware there has been some contentions relating to raising rates on the Donnelly River Leases for the first time. After careful consideration and advice sought from Department of Local Government and Communities, Legal Representatives and Landgate, as well as a presentation from the actual leaseholders of these parcels of land, Council considered that these leaseholders did form part of the Shire of Nannup rate base and as such should contribute towards the overall rates raised from this point forward.



As a result rates have been raised on these properties and approximately 78% of these assessments have either paid in full or commenced payment via the instalment plan option for the payment of these rates.

Nonetheless a number of these assessments have made these payments minus the WML fee and have expressed the view that they do not believe this should form part of their rates payment. Sentiments expressed are that they do not have a rubbish service at this locality and as such they should not be asked to contribute to this service. These views are not correct in that the WML is not a fee for removal of rubbish from each land parcel but rather as a contribution towards the upkeep of the actual Waste Management Facility. All owners who have contacted Council have been corrected on this matter and it has been explained that all ratepayers pay this fee unless an exemption is granted and that those ratepayers within the town boundaries who do have an actual rubbish and recycling service in place pay additional fees for this service. But in the interest of ensuring that Councillors are aware of the sentiment expressed this item has been presented to allow further discussion and consideration.

The decision for Council on whether or not to exempt these lessees from this fee needs to be considered carefully. By granting exemption to these 33 ratepayers, a precedent would be set which could see other property owners in the extremities of the Shire boundaries requesting a similar request. It has been noted in past years that the owners of properties within the Scott River area, for example, have long held that it is not reasonable to expect their contribution based on their distance from the facility. These requests have been refused and the fee has remained within their rates assessment.

For this reason the request to apply an exemption to these properties is not supported by officers.

**STATUTORY ENVIRONMENT:** Nil.

**POLICY IMPLICATIONS:** Nil.

**FINANCIAL IMPLICATIONS:** Nil.

**STRATEGIC IMPLICATIONS:** Nil.

**RECOMMENDATION:**

That Council advises those lessees of the Donnelly River properties who have sought exemption from the Waste Management Levy that has been applied to their rates assessment that it is deemed to be an appropriate charge and should remain based on the precedent set to all other ratepayers in similar situations.

**VOTING REQUIREMENTS:** Simple Majority

AGENDA NUMBER:	12.8
SUBJECT:	Budget Monitoring – September 2016
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	11 October 2016
ATTACHMENT:	12.8.1 – Financial Statement for the period ending 30 September 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.

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 shown below is shown in an effort to remain transparent.

**Shire of Nannup  
Ordinary Council Meeting Agenda: October 2016**

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	<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 30 September 2016 be received.

**VOTING REQUIREMENTS:** Simple Majority

**Shire of Nannup**  
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AGENDA NUMBER:	12.9
SUBJECT:	Monthly Accounts for Payment - September 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	11 October 2016
ATTACHMENTS:	12.9.1 – Accounts for Payment – September 2016 12.9.2 – Credit Card Transactions – September 2016

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 30 September 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	8691 – 8778	220,606.54
Accounts paid by cheque	20090 – 20101	6,448.26
Accounts paid by Direct Debit	DD9690.1 – DD9694.7	25574.15
Sub Total Municipal Account		\$252,628.95

**Trust Account**

Accounts paid by EFT		\$0.00
Accounts Paid by cheque		\$200.00
SubTotal Trust Account		\$200.00
<b>Total Payments</b>		<b>\$252,828.95</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 \$252,828.95 1 September 2016 to 30 September 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**  
Nil

**13.2 ELECTED MEMBERS**  
Nil

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

**14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**CONFIDENTIAL ITEM**

**PROCEDURAL RECOMMENDATION**

*That the meeting be closed to members of the public in accordance with Sections 5.23(2) (a), (b) and (c) of the Local Government Act 1995.*

*(The following report is confidential in accordance with Section 5.23(2)(a),(b) and (c) and of the Local Government Act 1995, being a matter effecting an employee, the personal affairs of a person and a contract that may be entered into by the Local Government)*

AGENDA NUMBER:	14.1
SUBJECT:	Nannup Caravan Park – Lease Agreement
LOCATION/ADDRESS:	Reserves 20333 Brockman Street and 24762 Balingup Road, Nannup
NAME OF APPLICANT:	Mr Ton van Hattem
FILE REFERENCE:	RES 20333
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke - Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	6 October 2016

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

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

**15.1 Wooden Clock**

Cr Longmore has submitted the following information and Notice of Motion for consideration:-

With the completion of the “Wooden Clock” project, Council should be extending its congratulations to Mr Kevin Bird on the magnificent structure that he has created, with the end of result being an excellent example of design and skill using West Australian timbers and is deserving of the tributes being received.

To show support to Mr Kevin Bird and the Nannup community, Council should express public support for the retention of the Clock as a special icon in the Shire of Nannup and that it would readily assist in the identification of a suitable site and lobbying for funding to support its installation in a specifically prepared building and facility.

**“That Council advises in writing to Mr Kevin Bird, and by way of advertising in the “*Telegraph*” Newsletter, that Council is fully supportive for the retention of the “Wooden Clock” in Nannup as a tourism icon and as a means of this support, Council advises that it is prepared to assist in the identification of a suitable site and the lobbying for funding for a dedicated facility to house the Clock in the Nannup town site”.**

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

**17. CLOSURE OF MEETING**



# Agenda Attachments

Item	Attach	Title
12.4	1	Small Business Friendly Initiative Brochure
12.5	1	Grant of Licence Agreement
12.6	1	Examples of a bike pump track.
	2	Photos of proposed site
	3	Google map site location
12.8	1	Financial Statement for the period ending 30 September 2016
12.9	1	Accounts for Payment – September 2016
	2	Credit Card Transactions – September 2016