



Minutes

Public Copy

Council Meeting held Thursday 24 November 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: R Mellema, C Gilbert, R Longmore, N Steer, A Slater C Stevenson and P Fraser

Peter Clarke – Chief Executive Officer

Mr Jon Jones – Manager Infrastructure

Tracie Bishop – Manager Corporate Services

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

VISITORS:

Mrs Jane and Mr Chris Buckland, Mrs Julie Kay, Wouter and Janet Brenkman, Chris Morten, Dr Proud, Karamfiles Builders – Sam Karamfiles, Margaret Gibb, Ian Gibb

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Mr Len Gilchrist

The following questions were taken on notice at the Ordinary Council meeting of 20 October 2016. Mr Gilchrist was provided with a written response from the CEO on 24 October 2016. The response from the Shire is recorded accordingly:-

Question 1

Would the person representing the North Ward explain to me why it took 2.5 years to try and get mobile service down here?

Response:

If you were wishing for a specific response from a Councillor representing the North Ward, there happens to be three (3) Councillors who represent the North Ward, those being in Cr Anne Slater, Cr Bob Longmore and Cr Cate Stevenson. Whilst these Councillors do represent the North Ward,

they have a responsibility to represent all residents in the Shire of Nannup in accordance with Section 2.10 of the *Local Government Act 1995 (WA)* and therefore, the above Councillors, and in deed the whole Council, have actively pursued improved mobile phone reception in the Shire of Nannup.

Council is aware that you have taken an active interest in, and have lobbied for better mobile phone reception in the Shire and it is considered that your actions and the actions of Council has culminated in the siting of five (5) towers at strategic locations throughout the Shire through the Australian Government's Blackspot Mobile Phone Tower Program. The State Government has also assisted in the delivery of these Towers through Royalties for Regions funding.

Council is aware that Telstra's contractors are currently negotiating with landowners in the Shire for positioning of the Towers and therefore it is hoped that this process can proceed in a timely manner for improved telecommunications in the Shire.

Question 2

Would the person representing the North Ward explain to me why he has not contacted the Main Roads concerning the state of roads from Vasse Highway coming off Mowen Road into town?

Response:

Obviously you are referring this question to Cr Longmore in questioning "why he" has not contacted Main Roads as he is the only male Councillor representing the North Ward.

For your information, it is not the practice of Councillors to instigate their own actions based on a specific request or complaint from a constituent. If a constituent does have concerns with a particular road issue, Councillors will refer this to Council Officers for the appropriate action. Once staff have investigated the matter and approached the appropriate authorities, in this case it would have been Main Roads WA, staff would report back to the individual Councillor or the entire Council on the response received and actions to be taken to remedy the matter.

Staff are not aware that there is an issue with the Main Roads WA controlled road, Vasse Highway, between Mowen Road and the town boundary. If you can be more specific with your concerns it will definitely be relayed to Main Roads WA for their comment as was done with the Regulatory sign issue below.

Question 3

Why has there been no give way signs posted to Greenwood Drive and Dean Road coming onto Greenwood Drive?

Response:

I believe that this question has been answered to you by Council's Manager Infrastructure in person following his discussions with Main Roads WA personnel. To reiterate this response, and from Council's previous correspondence dated 28 September 2016, Main Roads WA are the responsible authority for approving of "Regulatory" signage e.g. "Give Way" and "Stop" signs, and it was of their opinion that either of these signs was not warranted at this location based on Main Roads WA Policy for placement of Regulatory signage.

Question 4

Having asked the President 2 years ago about 60kph signs close to town and yet the Shire President told me he knows what he's on about?

Response:

The Shire President is unsure of the matter that you are raising or questioning on the 60kph signage.

Question 5

How come when I raise a few questions there is no microphone on the table during public question time?

Response:

It would be appreciated if you could be more specific with your question and a response will be provided.

Question 6

Who was the person who told the Councillors that he was not going to vote for the sport centre then informed me he was going to?

Response:

Council is not aware of who you are referring to as the "person".

If you are referring to the "person" as being a Councillor, as with all Council meetings Councillors may have a particular view on a matter prior to the meeting but this can be swayed during debate and the Councillor may well vote differently than he/her had originally intended.

When reviewing the recording of the questions that you raised at the Council meeting, it was difficult to determine the content of question 4 and 5 and therefore to ensure clarity in future, it would be appreciated if you could also provide the questions in writing, especially if there are multiple questions.

4. PUBLIC QUESTION TIME:

The Shire President invited questions from the Public at: 4:36pm.

No questions were submitted.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Blackwood River Clinic

The Shire President advised that Clinical Director, Dr Stephen Proud, with Abbotsford Private Hospital and Blackwood River Clinic was in attendance to address Council on the recent announcement by the Minister for Mental Health that an additional 16 beds will be made available at the Clinic to treat methamphetamine patients.

Dr Proud firstly apologised for not informing Council prior to the announcement by the Minister as he was bound by confidentiality not to release any information prior to the announcement. Dr Proud indicated that the decision to increase the number of beds will initially have no impact upon the operations of the Clinic as they are currently operating under the approved numbers for both the Blackwood River Clinic (30 patients) and Sky Lakes Retreat (20 beds). Dr Proud advised that if the Sky Lakes Retreat was to increase its capacity, a Town Planning Scheme Amendment would need to be submitted to Council for consideration.

Dr Proud also advised that all patients would be screened off-site, as per previous practices, which assessed patients underlying issues that drive their behaviour and to date, the Clinic had excellent results and there had been no incidents. The Clinic will now be open to public patients, not just private patients, and the screening process will be the same.

The Shire President invited questions from Councillors in respect to Dr Proud's comments and at the conclusion of questions, thanked Dr Proud for attending the meeting.

Dog Exercise Area Review

The Shire President advised that Mr Chris Morten was in attendance to address Councillors on the current Dog Exercise Area and the inadequacies of this location and to request that Council in its review of the Dog Exercise Area in January 2017 re-considers the Nannup Golf Club as a preferred option for residents to exercise their dogs.

Mr Morten advised that in 2002 when investigations were being made for a new Golf Course in Nannup, a Business Plan was prepared titled "Pine Ridge Golf Club" that looked at opportunities for the development of a course, with the current Course being submitted as a suitable boutique style course for the town. Mr Morten advised that it was always proposed that the area would be utilised by the residents as a recreational precinct, which included the exercise of dogs.

Mr Morten advised that if Council in its review of the Dog Exercise area allows for the Golf Course to be utilised for this purpose, dog owners would be prepared to work with Golf Club Members to ensure that all interests were observed.

At the conclusion of Mr Morten's presentation, the Shire President thanked Mr Morten for attending the meeting and advised that Council would give due consideration to his comments and other submissions at the January 2017 Council meeting.

7. DECLARATIONS OF INTEREST

The Shire President advised that the following Declarations of Interest from Councillors and staff had been submitted:-

The Chief Executive Officer had declared an Impartiality Interest in Item 12.2 relating to "Lease of Function Room at Nannup Recreation Facilities" as he was a member of the Nannup Sport and Recreation Association.

Cr Gilbert had declared an Impartiality Interest in Item 12.2 relating to "Lease of Function Room at Nannup Recreation Facilities" as he was a member of the Nannup Sport and Recreation Association.

Cr Dean had declared an Impartiality Interest in Item 12.2 relating to "Lease of Function Room at Nannup Recreation Facilities" as he was President and member of the Nannup Sport and Recreation Association.

Cr Slater had declared an Impartiality Interest in Item 12.5 relating to "Amalgamation of Shire-managed Reserves" as she was a member of the Darradup Bush Fire Brigade.

Cr Stevenson had declared an Impartiality Interest in Item 12.5 relating to “Amalgamation of Shire-managed Reserves” as she was a member of the Darradup Bush Fire Brigade.

Cr Dean had declared a Proximity Interest in Item 12.6 relating to “Development Application for a Proposed Combined Commercial/Residential Complex” as he is the Lessee of the adjacent block of land.

Cr Gilbert had declared a Proximity Interest in Item 12.6 relating to “Development Application for a Proposed Combined Commercial/Residential Complex” as he is the adjacent owner of Lots 4 and 5 of Lot 29 Nannup.

Cr Longmore had declared an Impartiality Interest in Item 12.7 relating to “Request for Fee Waiver, Nannup Music Club” as he is a Life Member of the Nannup Music Club.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

16151 STEER/LONGMORE

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 20 October 2016 be confirmed as a true and correct record.

CARRIED (8/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

16152 FRASER/STEER

That the following Minutes be received and noted in the case of the Bush Fire Advisory Committee Minutes, the recommendations contained therein be endorsed:-

9.1 BIGN

That the Minutes of the BIGN meetings held on Thursday 6th October and 3rd November 2016 be received.

9.2 Warren Blackwood Alliance of Councils

That the Minutes of the Warren Blackwood Alliance of Councils meeting held on Tuesday 11th October 2016 be received.

9.3 Local Emergency Management Committee (LEMC)

That the Minutes of the LEMC meeting held on Wednesday 2nd November 2016 be received.

9.4 Bush Fire Advisory Committee (BFAC)

That the Minutes of the BFAC meeting held on Wednesday 7th November 2016 be received.

CARRIED (8/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
26/10/2016	Community Strategic Plan	Stevenson, Fraser, Steer, Dean
1/11/2016	Warren Blackwood Alliance of Councils	Longmore, Dean
2/11/2016	Australia Day Advisory Committee	Stevenson, Fraser, Slater
2/11/2016	Local Emergency Management Committee	Longmore, Dean
9/11/2016	Bushfire Advisory Committee	Fraser, Mellema
22/11/2016	Risk Management Advisory Committee	Longmore, Steer

The Shire President advised that in consideration of Mr Sam Karamfiles' from Karamfiles Builders Manjimup being in attendance regarding Agenda Item 12.6, it be brought forward to allow Mr Karamfiles to present on the matter rather than having to wait later in the meeting.

Cr Dean had declared a Proximity Interest in Item 12.6 relating to "Development Application for a Proposed Combined Commercial/Residential Complex" as he is the Lessee of the adjacent block of land.

Cr Gilbert had declared a Proximity Interest in Item 12.6 relating to "Development Application for a Proposed Combined Commercial/Residential Complex" as he is the adjacent owner of Lots 4 and 5 of Lot 29 Nannup.

16153 MELLEMA/LONGMORE

Whilst it was noted by Council that the Interests declared were in relation to a Proximity Interest, it was considered that the Development Application and project was beneficial to all residents in the district and therefore, Cr Gilbert and Dean could remain in the Chamber and also participate in discussions and vote upon the matter.

CARRIED (6/0)

Mr Karamfiles thanked Council for the opportunity to provide an update on the latest Development Application on the proposed combined commercial/residential complex comprising two retail/office units, consulting rooms and three grouped dwellings, to be located at Lot 100 (54) Warren Road. Mr Karamfiles advised that he was in discussions with DFES regarding conditions for the staircases leading to the second storey accommodation units but believed that these matters would be addressed. Mr Karamfiles was hoping that upon Development Application Approval, the proponent would be signing the Contract to process with the building plans. Mr Karamfiles thanked Council staff for their assistance during the Development Application phase.

The Shire President thanked Mr Karamfiles for the update on the project.

AGENDA NUMBER:	12.6
SUBJECT:	Development Application for a Proposed Combined Commercial/Residential Complex
LOCATION/ADDRESS:	Lot 100 (54) Warren Road, Nannup
NAME OF APPLICANT:	Karamfiles Builders
FILE REFERENCE:	A1746
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	10 November 2016
ATTACHMENTS:	12.6.1 – Location map 12.6.2 – Information from applicant 12.6.3 – Submissions 12.6.4 – Modified plans from applicant 12.6.5 – Planning framework – extract from <i>Local Planning Scheme No. 3, Local Planning Policy No.8 Nannup Mainstreet Heritage Precinct</i> and <i>Local Planning Policy No. 13 Car Parking and Vehicular Access</i>

BACKGROUND:

Karamfiles Builders have lodged a Development Application on behalf of Dr. Kushdev Singh for a proposed combined commercial/residential complex comprising two retail/office units, consulting rooms and three grouped dwellings, to be located at Lot 100 (54) Warren Road, Nannup. The site is located between St Thomas More Catholic Church and the Nannup Liquor Store as shown in Attachment 12.6.1.

The property owner intends to operate a medical practice from the consulting rooms while living in the unit above, and rent the two commercial units and remaining two residential units. Details of the proposal are shown in Attachment 12.6.2.

The Shire administration invited public comment on the Development Application for a period of 14 days by writing to 17 adjoining/nearby landowners and 3 other stakeholders, placing details on the Shire website and having details at the Shire office. The Shire received 2 submissions on the Development Application as outlined in Attachment 12.6.3. Both submissions were supportive of the proposed development and no issues were raised.

Prior to the end of the advertising period, the applicant provided the Shire with revised plans for the street frontage of the proposed development. The revised plans increased

the window area and moved the entrances to the front of the commercial units. The changes were not considered significant enough to re-advertise to stakeholders and are shown in Attachment 12.6.4.

Attachment 12.6.5 sets out the planning framework which is an extract from LPS3, *Local Planning Policy No. 8 Nannup Mainstreet Heritage Precinct* and *Local Planning Policy No. 13 Car Parking and Vehicular Access*.

COMMENT:

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

Following an assessment of the development application against LPS3, *Local Planning Policy No. 8 Nannup Mainstreet Heritage Precinct* (LPP008), *Local Planning Policy No. 13 Car Parking and Vehicular Access* (LPP013) and the *Local Planning Strategy*, the application has been found to generally be consistent with the Policies.

LPP008 (Attachment 12.6.5) states that:

“All new development and redevelopment within the Nannup Main Street Heritage Area should contribute positively to the recognised heritage values and established townscape quality of Nannup’s main street.

The Council requires that all proposals for new development and additions to existing development within the Heritage Area shall:

- *add to the range of services and facilities available to the town residents and its visitors;*
- *ensure through appropriate design that the strong “Garden Village” character, and “working timber town” identity/role of the town is preserved, particularly in regard to development size, form, height and scale;*
- *be compatible with existing development, particularly in regard to building materials, shop front design, front setbacks, the use of colour, the application of advertising signage and the location and form of fencing;*
- *enhance the existing overall visual appearance of the Heritage Area;*
- *improve the provision of weather protection for pedestrians; and*
- *build upon the existing strong sense of community, and improve the economic viability of the town.”*

The applicant is proposing a design (shown in Attachment 12.6.4) which is considered generally consistent with LPP008 and the associated *Nannup Mainstreet Heritage Precinct Guidelines*.

Building Form

Generally LPP008 suggests the emphasis of new buildings should be vertical or compact, rather than wide, low buildings which have a horizontal emphasis to their form and detailing. Where large frontages are planned, the façade should be broken up by vertical elements, and where possible new floor levels, window positions and sizes, and verandahs, should complement those of adjacent buildings. By staggering the frontage of the building and adding outdoor living areas to the upper floor residential units, it is suggested that the applicant has minimised the overall horizontal impact of the development.

Roof Form

Main roofs in the Heritage Area have characteristically been clad with custom orb profile sheeting, and pitched between 25 and 35 degrees. The design configuration of the roof should be simple with rectangular plans and a combination of hipped or gabled roofs. The proposed development is consistent with LPP008 in this regard.

Building Height

Two storey buildings may be permitted in the Main Street Heritage Area where the function of the proposed building makes it unavoidable. In order to accommodate both the residential and commercial aspects of this development, it is suggested that a two storey building is acceptable.

Materials & Details

The most common original building material for walls within the Main Street Heritage Area is weatherboard. Red/orange bricks, and/or rendered finished masonry are also widespread. Some stone has been used, mostly associated with fencing. Custom orb ("corrugated iron" or zincalume) is a traditional material that is used widely for roofing, and for some walls. The applicant has advised that the development will utilise red face brick, off-white painted weatherboard and grey Colourbond roofing.

Windows & Doors

Traditionally, most windows and doors of Nannup's heritage buildings are rectangular with a vertical emphasis. The shopfront windows may be multi-paned or square. Large "picture windows" and floor-to-ceiling sliding glass doors should be avoided.

Door and window frames of new buildings which are visible from the street may be of timber, or commercial quality box aluminium framed, or copper, or timber to match existing, or of a material and form to match the period of the building being restored.

The applicant has advised that the door and window frames will be aluminium. The entrance doors to the lower floor will be hinged glass and not sliding. While large, the proposed windows will be in three main sections as shown in the revised plans in Attachment 12.6.4 and will not be floor to ceiling.

Parking Provisions & Vehicle Access

A total of 15 off-street parking bays, including 1 disabled bay, are proposed to be constructed at the rear and side of the building which will be accessed via a driveway from Warren Road along the northern side of the building. While this is not consistent with Schedule 11 of LPS3 which requires consulting rooms to include provision for 3 spaces per practitioner, retail/office to include provision for 1 space per 35m² of floor area, and grouped dwellings to include provision for 2 spaces per dwelling, the proposal is lacking only 1 additional parking bay.

Part 9 of the LPP013 (Attachment 12.6.5) states that reciprocal parking can be considered where:

- The parking facilities serving the proposed uses will be located on the one lot; and
- Parking demand in the immediate and long term can be satisfied; and
- No conflict will occur in the operation of the land uses for which the joint use of parking facilities is proposed; and
- The uses being served by the parking arrangements are compatible.

It is suggested that of the 6 parking bays which have been provided for the residential units, any which are vacant during business hours could be utilised as additional parking for the retail/office units.

Uses

It is suggested that the proposed development be considered as a combination of 'consulting rooms', 'retail/offices' and 'grouped dwellings'.

'Consulting rooms' is defined in LPS3 as meaning "premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care". It also includes a 'medical centre';

'Retail/office' is referred to in Schedule 11 of LPS3 for the Town Centre Zone only and could include 'shop' or 'office'. 'Shop' is defined in LPS3 as meaning "premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet". 'Office' is defined in LPS3 as meaning "premises used for administration, clerical, technical, professional or other like business activities".

'Grouped dwelling' is defined in LPS3 as having the same meaning as given to the term in the Residential Design Codes, that being "a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property".

'Consulting rooms', 'office' and 'grouped dwelling' are all "D" uses in LPS3 which means that the uses are not permitted unless the local government has exercised its discretion by granting planning approval. 'Shop' is a "P" use which means that the use is permitted

by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.

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

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Local Planning Policies LPP008 and LPP013 are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regards to the policies in determining the Development Application.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

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

RECOMMENDATION:

That Council approve the Development Application for a combined commercial/residential complex comprising 'consulting rooms', two 'retail/offices' and three 'grouped dwellings' at Lot 100 (54) Warren Road, Nannup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the Shire. Where the Development Approval has lapsed no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. The provision of one crossover to Warren Road, with the crossover being designed, constructed and drained at the applicant's cost to the satisfaction of the Shire prior to occupation.
4. The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation. The car parking bays are not to be located closer to Warren Road than the proposed building.
5. The vehicle access ways and vehicle manoeuvring areas are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation.
6. The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the Shire. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Shire.
7. All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation to the satisfaction of the Shire.
8. The development is to be connected to the reticulated water network prior to occupation.
9. The development is to be connected to the reticulated sewer network prior to occupation.
10. The roof of the building is constructed of corrugated iron or Colourbond (not tiles).
11. The building is painted or clad in colours consistent with Local Planning

Policy LPP008 – Nannup Mainstreet Heritage Precinct and to the satisfaction of the Shire prior to occupation.

12. The area between the front of the building and Warren Road is to be landscaped using appropriate planting and is not to be hard paved or sealed apart from the entrance areas as indicated on the submitted plans.
13. No external signage is to be erected without the prior approval of the Shire.
14. A dividing fence on or near the southern boundary (adjacent to St Thomas More Catholic Church) is to be constructed prior to 24th November 2018.

Advice

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

VOTING REQUIREMENTS: Simple Majority.

16154 MELLEMA/STEER

That Council approve the Development Application for a combined commercial/residential complex comprising ‘consulting rooms’, two ‘retail/offices’ and three ‘grouped dwellings’ at Lot 100 (54) Warren Road, Nannup subject to the following conditions:

- 1 This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the Shire. Where the Development Approval has lapsed no further development is to be carried out.***

- 2 The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- 3 The provision of one crossover to Warren Road, with the crossover being designed, constructed and drained at the applicant's cost to the satisfaction of the Shire prior to occupation.**
- 4 The car parking spaces are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation. The car parking bays are not to be located closer to Warren Road than the proposed building.**
- 5 The vehicle access ways and vehicle manoeuvring areas are designed, constructed (sealed or paved) and drained to the satisfaction of the Shire prior to occupation.**
- 6 The provision of details prior to occupation as to how stormwater will be addressed for the proposed development (including stormwater from roofs, car parking and other areas) to the satisfaction of the Shire. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the Shire.**
- 7 All stormwater and drainage run off is to be connected through a silt pit to a Shire stormwater legal point of discharge prior to occupation to the satisfaction of the Shire.**
- 8 The development is to be connected to the reticulated water network prior to occupation.**
- 9 The development is to be connected to the reticulated sewer network prior to occupation.**
- 10 The roof of the building is constructed of corrugated iron or Colourbond (not tiles).**
- 11 The building is painted or clad in colours consistent with Local Planning Policy LPP008 – Nannup Mainstreet Heritage Precinct and to the satisfaction of the Shire prior to occupation.**
- 12 The area between the front of the building and Warren Road is to be landscaped using appropriate planting and is not to be hard paved or sealed apart from the entrance areas as indicated on the submitted plans.**
- 13 No external signage is to be erected without the prior approval of the Shire.**
- 14 A dividing fence on or near the southern boundary (adjacent to St Thomas More Catholic Church) is to be constructed prior to 24th November 2018.**

Advice

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

CARRIED (7/1)

Voting against the motion – Cr Fraser

At this point business was resumed in the sequence of the agenda.

AGENDA NUMBER:	12.1
SUBJECT:	Review of Wards and Representation
LOCATION/ADDRESS:	Whole of Shire of Nannup
NAME OF APPLICANT:	Local Government Advisory Board
FILE REFERENCE:	
AUTHOR	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	8 November 2016
ATTACHMENT:	12.1.1 – Submissions Received, Discussion Paper and Details of Advertising Process

BACKGROUND:

At the August 2016 Ordinary meeting of Council the CEO advised that Mr Chris Berry, A/Manager Executive Support of the Executive Support Branch at the Department of Local Government and Communities, had written on behalf of the Local Government Advisory Board to advise that the Board had identified that the Shire of Nannup had not conducted a review of its Wards and Representation within the required timeframes and that the Board would be considering whether to instruct the Shire to undertake a review in early September 2016, which would then require it to be submitted to the Board for consideration no later than **31 March 2017**. The March deadline would allow for all statutory requirements to be completed in time for gazettal of any changes required by 30 June 2017 for the 2017 Council Elections.

Council did conduct a Wards and Representation Review in 2009 and at its Ordinary meeting held on 28 May 2009 resolved to retain the three (3) Wards and eight (8) Elector Members.

As a means of being proactive and rather than wait for a formal directive from the Local Government Advisory Board to undertake the Review, Council resolved the following at its August 2016 meeting:-

16111 STEVENSON/MELLEMA

That Council, in accordance with the Local Government Advisory Board's advice regarding a possible directive to conduct a Review of the Shire of Nannup's Wards and Representation as per Schedule 2.2 of the Local Government Act 1995, Council acknowledges the need for such a Review to commence and endorses the Discussion Paper prepared by the CEO to which submissions from the community can be made.

CARRIED (7/0)

COMMENT:

Following the above resolution, correspondence from the Chairman of the Local Government Advisory Board was received on 7 September 2016 advising that the Board had resolved to instruct Council to undertake the Review.

Advertisements appeared in the “*Telegraph*” Newsletter’s September and October 2016 editions advising that the Review was being undertaken and calling for submissions and that a Discussion Paper was available outlining the process of the Review and scenario’s for consideration. Advice of the Review also appeared on the Shire of Nannup’s web page and September and October 2016 E-Newsletter editions.

The closing date for submissions was Friday, 21 October 2016 which provided a 7 week advertising period.

At the close of the above advertising period two (2) submissions were received. On Wednesday, 26 October 2016, Mrs Barbara Dunnet contacted the CEO to advise whether a late submission could be submitted. The CEO advised that he would accept the late submission and advise Council accordingly. Mrs Dunnet’s submission was received at the Shire Office on Friday, 4 November 2016.

The following briefly details the submissions received:-

Submissions

- **Mrs Jan Brenkman**
Mrs Brenkman favoured the abolition of Wards and retaining (eight) 8 Elected members.
- **Mr Mario Camarri**
Mr Camarri favoured retaining the status quo in respect to Wards and Elected Member numbers.
- **Mrs Barbara Dunnet**
Mrs Dunnet favoured retaining the status quo in respect to Wards and Elected Member numbers.

The full content of the above submissions is provided in the attachments to this Report.

STATUTORY ENVIRONMENT:

In accordance with Clause 6(1) of Schedule 2.2 of the *Local Government Act 1995*.

6. Local government with wards to review periodically

- (1) A local government the district of which is divided into wards is to carry out reviews of —
- (a) its ward boundaries; and
 - (b) the number of offices of councillor for each ward,
- from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to —
- (a) whether or not the district should be divided into wards; and
 - (b) if so —
 - (i) what the ward boundaries should be; and
 - (ii) the number of offices of councillor there should be for each ward,
- from time to time so that not more than 8 years elapse between successive reviews.
- (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

[Clause 6 amended by No. 49 of 2004 s. 68(5) and (6).]

7. Reviews

- (1) Before carrying out a review a local government has to give local public notice advising —
- (a) that the review is to be carried out; and
 - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

8. Matters to be considered in respect of wards

Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or
 - (b) to specify or change the number of offices of councillor for a ward,
- or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —
- (c) community of interests; and

- (d) physical and topographic features; and
- (e) demographic trends; and
- (f) economic factors; and
- (g) the ratio of councillors to electors in the various wards.

[Clause 8 amended by No. 49 of 2004 s. 68(7).]

9. Proposal by local government

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.

** Absolute majority required.*

Sections 2.2(1), 2.3(3) or 2.18(3) of the *Local Government Act 1995* state the following:-

2.2. Districts may be divided into wards

- (1) The Governor, on the recommendation of the Minister, may make an order —
 - (a) dividing a district into wards; or
 - (b) creating new wards in a district that is already divided into wards; or
 - (c) changing the boundaries of a ward; or
 - (d) abolishing any or all of the wards into which a district is divided; or
 - (e) as to a combination of any of those matters.

2.3. Names of districts and wards

- (1) An order under section 2.1 designating an area of the State to be a district is to include an order naming the district.
- (2) An order under section 2.2 establishing a ward system for a district is to include an order naming the wards.
- (3) If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly.
- (4) The Minister can only make a recommendation under subsection (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

2.18. Fixing and changing number of councillors

- (3) The Governor, on the recommendation of the Minister, may make an order —
 - (a) changing the number of offices of councillor on a council; or
 - (b) specifying or changing the number of offices of councillor for a ward; or

(c) as to a combination of those matters.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community Leadership – Strategy 5.1 Listen to the People and Our Council Leadership – Strategy 6.1 Provide a Listening Leadership that represents the People.

Note:

If Council proposes to maintain the status quo, then reasons for this must be included in the resolution.

If Council decides to make a change, then an Absolute Majority is required. The resolution of the Council must propose the making of an Order under Section 2.2(1), Section 2.2(3) and/or Section 2.18(3) of the Local Government Act.

RECOMMENDATION:

That having considered the submissions received on the Wards and Representation Review, Council in accordance with Schedule 2.2(9) of the *Local Government Act 1995 (the Act)*, recommends to the Western Australian Local Government Advisory Board the following:-

Option 1

That the status quo remains in respect to Wards and Elected Member numbers for the Shire of Nannup. Whilst Council acknowledges that not all Elected Member to Resident ratios are within the recommend plus or minus 10% range, the differential is considered minimal and that it would be advantageous for the Shire of Nannup to retain the Ward system, particularly for residents in the rural areas of the Shire.

or;

Option 2

That an Order be made under Section 2.2(1)(d) and Section 2.18(3)(a) of the *Act* to abolish the Ward system and reduce Elected Members from 8 to 7, or alternatively to retain the status quo (8) in respect to Elected Members numbers for the Shire of Nannup.

VOTING REQUIREMENTS: Absolute Majority

16155 GILBERT/MELLEMA

That having considered the submissions received on the Wards and Representation Review, Council in accordance with Schedule 2.2(9) of the Local Government Act 1995 (the Act), recommends to the Western Australian Local Government Advisory Board the following:-

That the status quo remains in respect to Wards and Elected Member numbers for the Shire of Nannup. Whilst Council acknowledges that not all Elected Member to Resident ratios are within the recommend plus or minus 10% range, the differential is considered minimal and that it would be advantageous for the Shire of Nannup to retain the Ward system, particularly for residents in the rural areas of the Shire.

16156 GILBERT/ SLATER

That Council suspends Standing Orders to allow the matter to be discussed in more detail.

CARRIED (8/0)

Standing Orders were suspended at 5.05pm.

General discussion then took place on the options presented in the recommendation. Cr Gilbert suggested renaming of the town ward to include Hitchcock Drive and the portion of Barrabup Road population from the north ward which could be a way of achieving the required ratios because of continued numbers of people moving into these subdivisions.

16157 STEER/SLATER

That Council resumes Standing Orders.

CARRIED (8/0)

Standing Orders resumed at 5.10pm.

16158 GILBERT/MELLEMA

That the status quo remains in respect to Wards and Elected Member numbers for the Shire of Nannup. Whilst Council acknowledges that not all Elected Member to Resident ratios are within the recommend plus or minus 10% range, the differential is considered minimal and that it would be advantageous for the Shire of Nannup to retain the Ward system, particularly for residents in the rural areas of the Shire.

CARRIED BY ABSOLUTE MAJORITY (7/1)

Voting against the Motion Cr Longmore.

The Chief Executive Officer had declared an Impartiality Interest in Item 12.2 relating to “Lease of Function Room at Nannup Recreation Facilities” as he was a member of the Nannup Sport and Recreation Association.

Cr Gilbert had declared an Impartiality Interest in Item 12.2 relating to “Lease of Function Room at Nannup Recreation Facilities” as he was a member of the Nannup Sport and Recreation Association.

Cr Dean had declared an Impartiality Interest in Item 12.2 relating to “Lease of Function Room at Nannup Recreation Facilities” as he was the President and member of the Nannup Sport and Recreation Association and would vacate the Chamber due to his Presidency of the Association.

Cr Dean left the meeting at 5.27pm

The CEO advised that as the Shire President left the meeting that the Deputy Shire President would Chair the meeting for the following item:-

Cr Mellema took the Chair.

AGENDA NUMBER:	12.2
SUBJECT:	Lease of Function Room at Nannup Recreation Facilities – Review of Annual Lease Fees
LOCATION/ADDRESS:	Warren Road Nannup – Part Reserve 9185
NAME OF APPLICANT:	Nannup Sport and Recreation Association Inc. (NSRA)
FILE REFERENCE:	REC 5
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Impartiality Interest – Member of Nannup Sport and Recreation Association
DATE OF REPORT:	15 November 2016

BACKGROUND:

At the September 2015 Ordinary meeting of Council the President of NSRA, Mr Tony Dean, wrote to Council on behalf of the Association’s Committee requesting permission to transfer the current Lease of the Community Centre to the newly constructed Function Room situated at the same venue.

Mr Dean did indicate that as the facility was untested, the Association had requested that the terms and conditions be the same as the old facility, with a renewal period in 3

years. Mr Dean advised that this would allow the Committee to establish a plan of operation and have some idea as to the potential of the facility.

Council resolved the following at the September 2015 Council meeting.

9263 SLATER/LONGMORE

1. *That Council advises the Nannup Sports and Recreation Association Inc., that it is willing to enter into a new 3 year Lease Agreement to allow the Association to manage the newly constructed Function Room at the Nannup Recreation Centre and it be based on the existing Lease fee arrangements in recognition of the substantial monetary contributions made by the Nannup Golf Club and the Nannup Sports and Recreation Association towards the cost of the new building; and*

2. *The above approval is on the proviso that at the expiration of 12 months, a thorough review of the operations of the Centre be undertaken with the view to imposing a more realistic annual lease fee for the premises.*

CARRIED 4/3

The CEO wrote to the NSRA on 1 September 2016 advising that the 12 month rent review was to be undertaken and that the Association would need to demonstrate, through its financial activities, what it considers is a fair and reasonable annual payment. The CEO had indicated to the Association that if it can detail what funds will be put back into sport and recreational pursuits at the Centre, this would no doubt assist in the Lease fee being kept at a reasonable level.

COMMENT:

The Lease Agreement between the Shire of Nannup and the Nannup Sport and Recreation Association for the first 12 months of operation was as follows:-

- **Permitted Purpose** – For the operation of a Sportsman’s Club facility for club members including operation of a licenced bar and associated clubhouse facilities;
- **Term of Agreement** – 3 Years (1 November 2015 – 31 October 2018)
- **Annual Rent** - \$2,470.00 with a total review of the Annual Rental to take place on 31 October 2016.

On Monday, 14 November 2016 the CEO attended a meeting of the Association in which sporting representatives discussed the development of a 4 year Strategic Plan with Ms Katie Drummond, Sport and Recreation Coordinator, and also discussed future rental fees for the facility.

In respect to the Strategic Plan development, the Association is aware of the need to develop strategies to better promote sporting activities but also to plan and promote the facility as a place that can be utilised for the whole community. It was encouraging

that all sporting organisations who utilise the Recreation Centre were present at the Strategic Planning meeting and this is a positive move to engage with all users.

Following the CEO's correspondence of 1 September regarding the annual rental review, the Association's Committee recognised that the current rental was a nominal one and was open to an increase however, the Committee indicated that it was still in the development phase for usage of the Function Room (the leased area) having only been in operation for 12 months. The Committee also indicated that it had already paid to Council \$50,000 of the \$100,000 commitment for the facility and was currently in negotiations for a bank loan for the \$50,000 balance to be paid prior to 30 June 2017. The Committee's current bank account of \$31,000 was required for normal operational commitments.

Following considerable discussion with the CEO regarding a revised annual rental fee, it was resolved by the Committee that it submits to Council that it agrees to an increase of the annual rental to \$5,000 per annum for the remaining 2 years of the lease term.

It was considered by the CEO that a 100% increase in the annual rental was an appropriate one based on the previous nominal rental and in view of the Association's commitment to the development of a 4 year Strategic Plan, it clearly demonstrated that the Association is aware of its obligations to promote and plan for the Centre as a major venue for sporting organisations and the entire community.

STATUTORY ENVIRONMENT:

Section 3.58 of the *Local Government Act 1995* and Section 30 of the *Local Government (Functions and General) Regulations 1996* apply to the dispositions of property.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

Increase in annual Lease rental.

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 endorses the negotiations between the CEO and the Nannup Sport and Recreation Association in respect to the annual lease rental fees for the Function Room at the Nannup Recreation Centre and approves of the increase in annual lease fees from \$2,470 to \$5,000 per annum for the remaining 2 year period of the term of the lease at which time a further review will be undertaken.

VOTING REQUIREMENTS: Simple Majority

16159 LONGMORE/SLATER

That Council endorses the negotiations between the CEO and the Nannup Sport and Recreation Association in respect to the annual lease rental fees for the Function Room at the Nannup Recreation Centre and approves of the increase in annual lease fees from \$2,470 to \$5,000 per annum for the remaining 2 year period of the term of the lease at which time a further review will be undertaken.

CARRIED (7/0)

Cr Dean returned to the meeting at 5.29pm

Cr Mellema vacated the Chair.

The Shire President resumed the Chair.

AGENDA NUMBER:	12.3
SUBJECT:	Review of Code of Conduct
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 13
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	15 November 2016
ATTACHMENT:	12.3.1 – Draft Codes of Conduct for Councillors and Committee Members and Staff

BACKGROUND:

Section 5.103 of the *Local Government Act 1995* requires that:

Every local government is to prepare or adopt a Code of Conduct to be observed by Council members, committee members and employees.

The Code of Conduct was last reviewed at Council’s Ordinary meeting held on Thursday, 28 February 2013.

COMMENT:

The 2013 Code of Conduct combined Councillors, Committee and Staff however, it has been considered that separate Codes of Conduct be developed based on the different roles and responsibilities and expectations of conduct for Councillors and Committee Members and Staff.

It is considered that the previous Code of Conduct did not thoroughly address all of the expected standards of conduct and integrity, with the new Codes covering all relevant areas. The Public Sector Commission’s “Guide to Developing a Code of Conduct” has been referenced as has other local government authorities current Codes to develop the presented documents for consideration by Council.

STATUTORY ENVIRONMENT:

Sections 5.103 and 5.104 of the *Local Government Act 1995* detail provisions associated with Codes of Conduct:-

5.103. Codes of conduct

- (1) Every local government is to prepare or adopt a code of conduct to be observed by council members, committee members and employees.

[(2) deleted]

- (3) Regulations may prescribe codes of conduct or the content of, and matters in relation to, codes of conduct and any code of conduct or provision of a code of conduct applying to a local government under subsection (1) is of effect only to the extent to which it is not inconsistent with regulations.

[Section 5.103 amended by No. 49 of 2004 s. 55; No. 1 of 2007 s. 10.]

5.104. Other regulations about conduct of council members

- (1) Regulations may prescribe rules, to be known as the rules of conduct for council members, that council members are required to observe.
- (2) The rules of conduct for council members apply, to the extent stated in the regulations, to a council member when acting as a committee member.
- (3) The rules of conduct may contain provisions dealing with any aspect of the conduct of council members whether or not it is otherwise dealt with in this Act.
- (4) Regulations cannot prescribe a rule of conduct if contravention of the rule would, in addition to being a minor breach under section 5.105(1)(a), also be a serious breach under section 5.105(3).
- (5) Regulations cannot specify that contravention of a local law under this Act is a minor breach if contravention of the local law would, in addition to being a minor breach under section 5.105(1)(b), also be a serious breach under section 5.105(3).
- (6) The rules of conduct do not limit what a code of conduct under section 5.103 may contain.
- (7) The regulations may, in addition to rules of conduct, prescribe general principles to guide the behaviour of council members.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan – Strategy 6.1 – Lead, Listen, Advocate, Represent and Provide.

RECOMMENDATION:

That Council adopts the following Codes of Conduct as per Section 5.103 of the *Local Government Act 1995*:-

1. Shire of Nannup Code of Conduct for Councillors and Committee Members 2016.
2. Shire of Nannup Code of Conduct for Staff 2016.

VOTING REQUIREMENTS: Simple Majority

16160 STEER/SLATER

That Council adopts the following Codes of Conduct as per Section 5.103 of the Local Government Act 1995:-

- 1. Shire of Nannup Code of Conduct for Councillors and Committee Members 2016.***
- 2. Shire of Nannup Code of Conduct for Staff 2016.***

CARRIED (8/0)

AGENDA NUMBER:	12.4
SUBJECT:	Amendment No.19 to the Shire of Nannup Local Planning Scheme No. 3
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TPL1/19
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 November 2016
ATTACHMENTS:	12.4.1 – Proposed modifications to LPS3 (provided electronically) 12.4.2 – Scheme Amendment No.19 documentation

BACKGROUND:

As Councillors are aware, the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* provides the statutory basis for Council regulating development and land use matters and proposals.

The purpose of Amendment No. 19, to LPS3, is to remove provisions, terms and definitions from LPS3 that are superseded by the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations). The amendment also introduces the supplemental provisions schedule and moves relevant provisions from Clause 8.2 into Schedule A. Additionally, the amendment address minor administrative errors and modifies ‘Residential Planning Codes’ to ‘Residential Design Codes’.

A number of the provisions being deleted are cross referenced elsewhere in LPS3. The amendment updates these cross references to reference the deemed provisions. With the deletion and movement of a number of LPS3 provisions, those provisions which remain in LPS3 will need to be renumbered.

Attachment 12.4.1 outlines proposed modifications to the LPS3 text with new sections highlighted and deleted sections in strikeout.

The Regulations were gazetted on 25 August 2015. The Regulations, made under the *Planning and Development Act 2005* (the ‘Act’), govern the way in which local planning strategies, local planning schemes and structure plans are prepared and amended.

Schedule 2 of the Regulations titled 'Deemed provisions for local planning schemes' apply to all planning schemes and prevail over schemes including LPS3. The deemed provisions are 'read into' schemes automatically under Section 257B of the Act. Provisions in LPS3, which are inconsistent with the deemed provisions, ceased to apply as of gazettal of the Regulations.

The deemed provisions address a range of matters including uniform processes and procedures to schemes, such as structure plan preparation and the development assessment. The deemed provisions apply automatically to all schemes when the Regulations come into operation and cannot be altered, varied or excluded.

Section 73(2A) of the Act allows for a scheme to include supplemental provisions, provided those supplemental provisions are consistent with or not already covered by the Regulations.

The Shire administration has audited LPS3 to determine which provisions are now superseded by the deemed provisions. This basic amendment is now pursued to remove provisions which have been replaced by the deemed provisions.

COMMENT:

The amendment is a basic amendment in accordance with part (a), (c) and (e) of the basic amendment definition contained in Regulation 34 of the Regulations.

It is recommended that Council resolves to prepare Scheme Amendment No. 19 as outlined in Attachment 12.4.2 to formally commence the process of amending LPS3.

Subject to the Council's decision, the amendment will be forwarded to the Environmental Protection Authority seeking environmental clearance. Following this, the amendment will be forwarded to the Western Australian Planning Commission who will assess the scheme amendment request with the final decision made by the Minister for Planning.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Approval of Scheme Amendment No.19 will assist in improving the efficiency and effectiveness of the planning system.

RECOMMENDATION:

That Council:

1. Agree to prepare a basic amendment to the *Shire of Nannup Local Planning Scheme No. 3*, pursuant to Part 5 of the *Planning and Development Act 2005*, through modifying the Scheme text as outlined in Attachment 12.4.1.
2. Authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 19 documents as outlined in Attachment 12.4.2.
3. Note the Shire's Chief Executive Officer will refer Scheme Amendment No. 19 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, forward the amendment to the WAPC for assessment and final approval by the Minister for Planning.

VOTING REQUIREMENTS: Simple Majority

16161 MELLEMA/STEVENSON

That Council:

- 1. Agree to prepare a basic amendment to the Shire of Nannup Local Planning Scheme No. 3, pursuant to Part 5 of the Planning and Development Act 2005, through modifying the Scheme text as outlined in Attachment 12.4.1.***
- 2. Authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 19 documents as outlined in Attachment 12.4.2.***
- 3. Note the Shire's Chief Executive Officer will refer Scheme Amendment No. 19 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, forward the amendment to the WAPC for assessment and final approval by the Minister for Planning.***

CARRIED (8/0)

Cr Slater had declared an Impartiality Interest in Item 12.5 relating to “Amalgamation of Shire-managed Reserves” as she was a member of the Darradup Bush Fire Brigade.

Cr Stevenson had declared an Impartiality Interest in Item 12.5 relating to “Amalgamation of Shire-managed Reserves” as she was a member of the Darradup Bush Fire Brigade.

As the above declarations were Impartiality Interests there was not the requirement to vacate the Chamber and Cr’s Slater and Stevenson could participate in discussion and vote upon the matter.

AGENDA NUMBER:	12.5
SUBJECT:	Amalgamation of Shire-managed Reserves
LOCATION/ADDRESS:	Reserves 43352 & 40288 Johnston Rd, Jalbarragup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	RES43352 & RES40288
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	14 November 2016
ATTACHMENTS:	12.5.1 – Location Map 12.5.2 – Aerial photograph 12.5.3 – Email from Department of Lands

BACKGROUND:

In early August 2016, the Shire of Nannup discovered that the Darradup Volunteer Bush Fire Brigade shed located on Reserve 43352 (as shown in Attachment 12.5.1.) had been extended in such a manner as to encroach on the adjoining Reserve 40288. The extent of the encroachment is shown in Attachment 12.5.2.

Reserve 43352 (Lot 4977 Johnston Rd) is vested with the Shire for the purpose of ‘Bush Fire Brigade Station’ and Reserve 40288 (Lot 4837 Johnston Rd) is vested with the Shire for the purpose of ‘Public Recreation’.

The Shire sought the advice the Department of Lands (DoL) with regards to adding Reserve 43552 to Reserve 40288 and combining their purposes and was advised that DoL would consider this request favourably. A formal request for amalgamation of the two reserves was submitted to DoL on 30th August 2016.

DoL has written to the Shire of Nannup with regards to the request from the Shire to amalgamate two Shire-managed reserves and asks for confirmation of the points outlined in Attachment 12.5.3.

COMMENT:

The Shire has no record of when the original Darradup VBFB shed was constructed however there are permits on file for extensions in 2000 and 2006. The plans for the 2006 extension included a site plan which appears to have incorrectly located the existing shed on the reserve. Based on this site plan, the extension appeared to be fully located on Reserve 43352 and was approved by the Shire's then Building Surveyor.

Recent discussions regarding a proposed new extension to the shed brought to light the fact that the 2006 extension was in fact encroaching into the adjoining Reserve 40288. As the shed is located in the north eastern corner of Reserve 43352, the Shire would be unable to approve any further extension to the shed in an easterly direction and only minimal extension to the north.

The Shire administration initially considered extending Reserve 43352 east to the western boundary of Lot 7 Johnston Rd however this would have prevented public access to Reserve 40288 from Johnston Rd. It is suggested that maintaining a reserve for public recreation between Johnston Rd and Brook Rd is important to the amenity of the area.

DoL have suggested two possible approaches to the amalgamation of the reserves:

1. Cancel Reserve 43352 but retain Lot 4977 and include it into the adjoining Reserve 40288 thereby having two lots; or
2. Cancel Reserve 43352 and amalgamate Lot 4977 with Lot 4837 thereby creating one lot, to become part of Reserve 40288.

It is suggested that there is no benefit to retaining separate lots within the single reserve and by amalgamating Lots 4977 & 4837 the issue of the encroachment of the Darradup VBFB shed is removed in its entirety. Both options will require surveying with costs estimated by DoL to be the same in each case.

DoL have agreed to the dual purpose "Public Recreation and Emergency Services Site" for Reserve 40288 subject to the condition "*the power to lease is granted only for the provision of fire brigade and associated emergency services*" being placed on the Management Order. The condition would prevent the Shire from leasing any portion of Reserve 40288 to organisations other than those providing emergency services.

It is suggested that the imposition of this condition will not affect the future operation of the Darradup VBFB or any planned extensions to the infrastructure currently located on Reserve 43352, and will allow the continued use of Reserve 40288 as an area for public recreation.

It is recommended that Council advises the Department of Lands that:

1. Reserve 43352 (Lot 4977) is to be cancelled and amalgamated into the adjoining portion of Reserve 40288 (Lot 4837) thereby creating one lot; and
2. The purpose of Reserve 40288 is to be changed to 'Public Recreation and Emergency Services Site' and that a condition can be placed on the Management Order so that "the power to lease is granted only for the provision of fire brigade and associated emergency services".

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

There will be surveying costs associated with either option to amalgamate Reserve 43352 and Reserve 40288 which have been estimated by Department of Lands at approximately \$1,500.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises the Department of Lands that:

1. Reserve 43352 (Lot 4977) is to be cancelled and amalgamated into the adjoining portion of Reserve 40288 (Lot 4837) thereby creating one lot; and
2. The purpose of Reserve 40288 is to be changed to 'Public Recreation and Emergency Services Site' and that a condition can be placed on the Management Order so that "*the power to lease is granted only for the provision of fire brigade and associated emergency services*".

VOTING REQUIREMENTS: Simple Majority

16162 MELLEMA/LONGMORE

That Council advises the Department of Lands that:

- 1. Reserve 43352 (Lot 4977) is to be cancelled and amalgamated into the adjoining portion of Reserve 40288 (Lot 4837) thereby creating one lot; and***
- 2. The purpose of Reserve 40288 is to be changed to 'Public Recreation and Emergency Services Site' and that a condition can be placed on the Management Order so that "the power to lease is granted only for the provision of fire brigade and associated emergency services".***

CARRIED (8/0)

Cr Longmore had declared an Impartiality Interest in Item 12.7 relating to “Request for Fee Waiver, Nannup Music Club” as he is a Life Member of the Nannup Music Club.

As the above declaration was an Impartiality Interest there was not the requirement to vacate the Chamber and Cr Longmore could participate in discussion and vote upon the matter.

AGENDA NUMBER:	12.7
SUBJECT:	Request for Fee Waiver, Nannup Music Club
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Nannup Music Club
FILE REFERENCE:	
AUTHOR	Peter Clarke – CEO
REPORTING OFFICER:	Peter Clarke – CEO
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	15 November 2016

BACKGROUND:

The Nannup Music Club have written to Council seeking that fees be waived for a community concert by Kallidad to be held on 6 January 2017.

COMMENT:

Council Policy BLD 1 Use/Hire of Community Facilities is applicable and reads as follows:

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

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

The concert is not a fund raiser for the Nannup Music Festival, but a public acknowledgement by the band Kallidad to the Nannup community, for their support. Kallidad played at the Nannup Music Festival and from this event their profile has increased and they are now touring nationally.

The concert is proposed to be held at the Tennis Courts from 6-10pm, on the above date, promoted as a family event and alcohol and drug free.

There will be a nominal entry fee which will be paid to Kallidad to help with their travel, accommodation and performance costs.

The Shire of Nannup Fees and Charges are:

\$50 consumer pole power charge,

\$268 event application fee,

\$130 public toilet cleaning,

\$448 total.

The Nannup Music Club has stated that they do not have surplus funds to cover these costs and the concert would be cancelled if the fees cannot be waived.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS:

Council Policy BLD 1 is applicable.

FINANCIAL IMPLICATIONS:

The \$130 public toilet cleaning fee can be covered from the Community Development Event Support budget. The other fees totalling \$318 would not be recouped.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023. Our Community, 1.1 Value our heritage and festivals

RECOMMENDATION:

That Council waive hire fees for the Nannup Music Club for the Kallidad concert on the 6 January 2017, totalling \$318, in acknowledgement that the Concert is being organised for the community and that only a nominal entry fee is to be applied to cover costs for the Band.

VOTING REQUIREMENTS:

16163 STEVENSON/SLATER

That Council waive hire fees for the Nannup Music Club for the Kallidad concert on the 6 January 2017, totalling \$318, in acknowledgement that the Concert is being organised for the community and that only a nominal entry fee is to be applied to cover costs for the Band.

CARRIED (8/0)

Shire of Nannup
Ordinary Council Meeting Agenda: 24 November 2016

AGENDA NUMBER:	12.8
SUBJECT:	Acceptance of Shire of Nannup Annual Report 2015/16
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 17
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	15 November 2016
ATTACHMENT	12.8.1 Annual Report 2015/16 is included as a separate document with this agenda

BACKGROUND:

Section 5.53(1) of the Local Government Act 1995 (the Act) stipulates that a Local Government is to prepare an Annual Report for each financial year. A draft Annual Report has been circulated under separate cover for consideration.

COMMENT:

The Annual Report contains all the statutory information required, including the Annual Financial Statements for the year under review and will also form the main document for scrutiny at Council's Annual Electors Meeting.

Councillors should note that the statement by the auditor for the financial report has yet to be received, but on the advice from the auditor to expedite the Annual Electors Meeting in the 2016 calendar year, the report could be submitted to Council on the proviso that the audited statement will be received in due course. This is based on a clear audit being notified by Council's appointed auditor on Tuesday 8 November. It is hoped that the audited financial statements will be available at the November Council meeting.

On the assumption that the audited final statements are completed and ready for Council acceptance the following dates have been selected.

**Shire of Nannup
Ordinary Council Meeting Agenda: 24 November 2016**

Date	Description
24/11/2016	Annual Report bought to Council for endorsement.
05/12/2016	Proposed Audit Advisory Committee meeting with Council's Auditor in attendance for full review of 2015/16 Financial Statements.
05/12/2016	Advertisement in local newsletter – "Nannup Telegraph" advising of date and time of Electors Meeting
21/12/2016	Annual Electors meeting to be held at 5.00pm in the Shirley Humble Room.

STATUTORY ENVIRONMENT:

Section 5.54(1) of the Act requires that the Annual Report be accepted by 31 December, with an absolute majority vote being required. However, if the auditor's report is not available in time for the Annual Report to be accepted by 31 December section 5.54(2) requires that it be accepted no later than two months after the auditor's report becomes available.

Section 5.27(2) states that a general meeting of electors is to be held on a day selected by the local government, but not more than 56 days after the local government accepts the annual report for the previous financial year. Section 5.29(1) requires that the CEO gives at least 14 days local public notice of the date, time, place and purpose of the meeting.

Assuming that the Draft Annual Report is accepted at today's meeting, it is proposed to hold the Annual Electors Meeting at 5pm Wednesday 21 December 2016.

Notice of the availability of the Annual Report is to be given as soon as practical after its acceptance by Council. An advertisement informing electors of the proposed timing of the Electors Meeting has been prepared for the local Telegraph newsletter, which will meet the statutory requirement of the advertising period. Appropriate notices will be placed on noticeboards within the Townsite.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council;

1. Accept the Draft Annual Report for the Shire of Nannup for the year ended 30 June 2016 as required by section 5.54(1) and 5.54(2) of the Local Government Act 1995.
2. Hold an Audit Advisory Meeting at 3.00pm on the 5 December 2016 with Council's Auditor in attendance.
3. Hold its Annual Electors Meeting on Wednesday 21 December 2016 in the Shire Function Room commencing at 5 pm.

VOTING REQUIREMENTS: Absolute Majority

16164 STEVENSON/MELLEMA

That Council;

- 1 Accept the Draft Annual Report for the Shire of Nannup for the year ended 30 June 2016 as required by section 5.54(1) and 5.54(2) of the Local Government Act 1995.***
- 2 Hold an Audit Advisory Meeting at 2.00pm on the 1 December 2016 with Council's Auditor in attendance.***
- 3 Hold its Annual Electors Meeting on Wednesday 21 December 2016 in the Shire Function Room commencing at 5 pm.***

CARRIED BY ABSOLUTE MAJORITY (8/0)

REASON FOR ALTERATION TO THE RECOMMENDATION:

The Manager Corporate Services advised that there had been confusion with Council's Appointed Auditor on the date scheduled for the Audit Advisory Committee meeting and following further consultation after preparation of the above report, the recommended date of 5 December 2016 was not considered appropriate and that Thursday, 1 December 2016 was more suitable for the Auditor to attend.

Shire of Nannup
Ordinary Council Meeting Agenda: 24 November 2016

AGENDA NUMBER:	12.9
SUBJECT:	Budget Monitoring – October 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 November 2016
ATTACHMENT	12.9.1 – Financial Statements for the period ending 31 October 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 12.9.1

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:

No further variances have been noted since previous period. It is expected that until the Budget Review is completed in February 2017 this will remain status quo.

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 October 2016 be received.

VOTING REQUIREMENTS: Simple Majority

16165 STEVENSON/LONGMORE

That the Monthly Financial Statements for the period ending 31 October 2016 be received.

CARRIED (8/0)

Shire of Nannup
Ordinary Council Meeting Agenda: 24 November 2016

AGENDA NUMBER:	12.10
SUBJECT:	Monthly Accounts for Payment - October 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 November 2016
ATTACHMENTS:	12.10.1 – Accounts for Payment October 2016 12.10.2 – Credit Card Transactions October 2016

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 31 October 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	8779 – 8849	203,596.76
Accounts paid by cheque	20102 – 20111	21898.82
Accounts paid by Direct Debit	DD9709.1 – DD9719.7	23,050.49

Sub Total Municipal Account		\$248,546.07
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Trust Account

Accounts paid by EFT	EFT8810	\$650.00
Accounts Paid by cheque		\$0.00

SubTotal Trust Account		\$650.00
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Total Payments		\$249,196.07
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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 \$249,196.07 1 October 2016 to 31 October 2016 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple majority

16166 MELLEMA/GILBERT

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$249,196.07 1 October 2016 to 31 October 2016 in the attached schedule be endorsed.

CARRIED (8/0)

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

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

There being no further business to discuss the Shire President declared the meeting closed at 5.44pm.