



Shire of
Nannup
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Agenda

Council Meeting to be held
on Thursday 28 September 2017
Commencing at 4.15pm

Agenda

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)

Cr Dean was granted Leave of Absence for the September 2017 Ordinary meeting at the 24 August 2017 Ordinary meeting of Council.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The following question was taken on notice at the Ordinary Council meeting of 24 August 2017. Mrs Ellie McKie was provided with a written response from the CEO on 28 August 2017. The response from the Shire is recorded accordingly:-

Question:

“In regards to the Shire of Nannup April 2015 Socio-Economic Review, what action has been led in the past two years since the document was released to realise the potential that it outlines for nature-based, including in particular forest-based tourism?”

Response to Question:

The Final Report titled “Socio-Economic Review – Shire of Nannup” that was presented to Council at its 28 May 2015 Ordinary meeting was only received and not formally adopted by Council. I have attached for your information the relevant pages of the above Minutes which detail the shortcomings of the Report.

In providing the above information, it is still considered that Council and staff have been active in promoting nature-based, including forest based-tourism opportunities, in the Shire of Nannup. The following details some of these initiatives:-

- **Mountain Bike Trails** – Council’s Economic and Community Development Officer has been working closely with the Department of Biodiversity Conservation and Attractions (DBCA) and the Nannup Mountain Bike Club to develop Mountain Bike Trails in State Forest and FPC controlled land;

- **Tour of Margaret River (TOMR) Cycling Events** – TOMR have established a separate identity called “Ride WA” and are currently in the development phase for an event titled “Seven” which will see Mountain Bike events conducted in the Shire;
- **Mountain Bike Master Plan** – The Shire of Nannup has contributed \$2,000 towards this Plan which is being developed in conjunction with the Nannup Mountain Bike Club and experienced Consultants in this field;
- **Warren Blackwood Bridle Trail** - The Warren Blackwood Alliance of Councils has received funding of \$368,554 from SWDC and Lotterywest to develop a Bridle Trail from Bridgetown to Broke Inlet and Bridgetown to the Scott River area that will see four campsites developed in the Shire of Nannup, some of which will be located on DBCA land. The Alliance has worked closely with DBCA and is currently negotiating a Memorandum of Understanding to utilise land for the individual campsites; and
- **Riverside Walk** – The Shire of Nannup has received \$134,748 in funding from Lotterywest to improve and further develop the Riverside Walk in Nannup from the Balingup Road Overflow Caravan Park to Kearney Street. The project includes construction of the walk, boardwalks, and interpretive signage.

Without external funding projects of this type could not be achieved. Council is always prepared to support projects and provide advocacy however, providing funding to undertake certain projects from its own financial resources is limited. It is considered that the projects listed above certainly are addressing the issues that you raise and Council will continue to provide support for additional projects in the future.

The following question was taken on notice at the Ordinary Council meeting of 24 August 2017. Mr Alwyn Mailes was provided with a written response from the CEO on 28 August 2017. The response from the Shire is recorded accordingly:-

Question:

My question relates to the following points:

My understanding is that as at approximately 4 years ago Johnston Road and Leschenaultia Drive were due for repairs. To date nothing has been done to these roads.

There are numerous examples of parts of these roads that are in disrepair which I believe creates fire hazards through native revegetation growth and a visual unsightliness overall. I have bought with me today photographs showing this disrepair that have been distributed to Councillors.

My question is, when will works commence on these roads?

Response to Question:

The Shire President did respond at the Council meeting by indicating that roadworks on Johnston Road were due to commence in the 2018/19 financial year for a period of 5 years with an overall estimated cost of \$600,000. The Shire President obtained this information directly from Council's Road Construction Schedule 2017-2027 and I have attached a copy of this schedule for your information.

In respect to other issues raised regarding fire hazards and native vegetation regrowth on road reserves, sight distances etc., Council's Manager Infrastructure will be carrying out an inspection of the areas highlighted by you and assessing a works program to address some of the immediate problems.

As a highlighted to you at the meeting in my office a few days prior to the Council meeting, Council encourages local Bush Fire Brigades to undertake fire mitigation works in their immediate areas and will recompense the Brigade for such works. As you indicated it is also an excellent opportunity for Brigade Training and I will discuss this opportunity with the Shire's Community Emergency Services Manager, who liaises directly with the Brigades.

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

8.1 That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 24 August 2017 be confirmed as a true and correct record.

9. MINUTES OF COUNCIL COMMITTEES

9.1 Risk Management Advisory Committee

That Council receive the Minutes of the Shire of Nannup Risk Management Advisory Committee meeting held 23 August 2017.

9.2 Warren Blackwood Alliance of Councils

That Council receive the Minutes of the Warren Blackwood Alliance of Councils meeting held 23 August 2017.

9.3 WALGA South West Zone

That Council receive the Minutes of the Western Australian Local Government Association South West Zone meeting held 25 August 2017.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

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14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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- 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:	Rating Objection – Lower Donnelly River Conservation Association
LOCATION/ADDRESS:	Donnelly River
NAME OF APPLICANT:	Mr Tony Ryan – Chairman Lower Donnelly River Conservation Association
FILE REFERENCE:	RAT 9
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 September 2016
ATTACHMENT:	Nil

BACKGROUND:

Correspondence has been received from Mr Tony Ryan, Chairman of the Lower Donnelly River Conservation Association (LDRCA) on behalf of the Hut Lessee's, to formally object to the Shire of Nannup charging rates and waste management fees on the lease properties at the Lower Donnelly River in accordance with Section 6.76 of the *Local Government Act 1995*.

Mr Ryan advises that the Association's reason for the objection is because the Lessee's are in a unique situation with the Department of Conservation Biodiversity and Attractions (DCBA), formally Department of Parks and Wildlife, regarding the lease fees, the leased area, terms and conditions of the lease and the ongoing cooperation with DCBA that is crucial to the continuation of the lease.

Furthermore, Mr Ryan advises that the Shire of Nannup is unable to provide any services whatsoever to the Lessee's.

COMMENT:

The above objection is a result of a meeting organised by Mr Ryan and two other LDRCA representatives with the CEO and Cr Mellema on Wednesday, 22 August 2017. Cr Mellema's involvement was at the request of the CEO as Mr Ryan had been liaising with Cr Mellema on the matter.

At the above meeting the representatives of the LDRCA indicated that as they already pay an annual lease fee of approximately \$1,000 to DCBA, they were of

the opinion that the decision by the Shire of Nannup to also rate them by a similar amount, plus the imposition of the WARR Act fee was unjust. The representatives' argument was based on the fact that the rating by Council was unjust as they received no services at all from the Shire of Nannup.

At the 31 March 2016 Ordinary meeting of Council a report was presented by staff relating to the "*Inclusion of the Donnelly River Huts on the Shire of Nannup's Rate Base*". At this meeting Council resolved the following:-

16043 STEER/SLATER

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

CARRIED (8/0)

Following the above decision a deputation of Donnelly River Hut Lessee's, represented by Mr Tony Ryan, Chairman of the Lower Donnelly River Conservation Association, addressed Council at its Information Session on 23 June 2016 seeking a reversal of this decision. At the Ordinary meeting held on the same date, Council resolved the following:-

16083 GILBERT/MELLEMA

That Council, in having carefully considered the points raised by the deputation of the Donnelly River Conservation Association, which represents the Lease Holders of the Donnelly River, objecting to Council imposing Shire rates on the Donnelly River Hut Leases beyond 1 July 2016, resolves to continue with its previous decision to apply appropriate rating to the leases at Donnelly River.

CARRIED BY ABSOLUTE MAJORITY 7/0

In respect to the Waste Management Levy that is imposed under the *Waste Avoidance and Resource Recovery Act 2007*, the Manager Corporate Services presented a report to Council at its 20 October 2016 Ordinary meeting following objections from Donnelly Hut Lessee's regarding the levy imposed.

In the report to Council at its October 2016 Ordinary meeting, the Manager Corporate Services made the following comments:-

"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 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”.

In view of the information provided to Council at its 20 October 2016 Ordinary meeting it resolved the following:-

16142 GILBERT/FRASER,

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.

CARRIED (8/0)

In Mr Ryan’s correspondence he refers to Section 6.76 of the *Local Government Act 1995* which states the following:-

Subdivision 7 — Objections and review
[Heading amended by No. 55 of 2004 s. 693.]

6.76. *Grounds of objection*

(15) *A person may, in accordance with this section, object to the rate record of a local government on the ground —*

(15) *that there is an error in the rate record —*

(15) *with respect to the identity of the owner or occupier of any land; or*

(ii) *on the basis that the land or part of the land is not rateable land;*

or

(b) *if the local government imposes a differential general rate, that the characteristics of the land recorded in the rate record as the basis for imposing that rate should be deleted and other characteristics substituted.*

- (2) *An objection under subsection (1) is to —*
- (a) *be made to the local government in writing within 42 days of the service of a rate notice under section 6.41; and*
 - (b) *identify the relevant land; and*
 - © *set out fully and in detail the grounds of objection.*
- (3) *An objection under subsection (1) may be made by the person named in the rate record as the owner of land or by the agent or attorney of that person.*
- (4) *The local government may, on application by a person proposing to make an objection, extend the time for making the objection for such period as it thinks fit.*
- (5) *The local government is to promptly consider any objection and may either disallow it or allow it, wholly or in part.*
- (6) *After making a decision on the objection the local government is to promptly serve upon the person by whom the objection was made written notice of its decision on the objection and a statement of its reason for that decision.*

Further, Sections 6.77 – 6.82 deal with the ongoing process relating to such objections:-

6.77. Review of decision of local government on objection

Any person who is dissatisfied with the decision of a local government on an objection by that person under section 6.76 may, within 42 days (or such further period as the State Administrative Tribunal, for reasonable cause shown by the person, allows) after service of notice of the decision, apply to the State Administrative Tribunal for a review of the decision.

[Section 6.77 amended by No. 55 of 2004 s. 694.]

6.78. Review of decision to refuse to extend time for objection

A person who is dissatisfied with a decision of the local government to refuse to extend the time for making an objection against the rate record may apply to the State Administrative Tribunal for a review of the decision.

[Section 6.78 amended by No. 55 of 2004 s. 695.]

6.79. New matters raised on review

(15) Upon a review by the State Administrative Tribunal under section 6.77 or 6.78, the State Administrative Tribunal may consider —

- (a) grounds in addition to those stated in the notice of objection; and*
- (b) reasons in addition to any reasons previously given for the local government's decision that is under review.*

(2) The State Administrative Tribunal is to ensure, by adjournment or otherwise, that each party and any other person entitled to be heard has a reasonable opportunity of properly considering and responding to any new ground or reason that the State Administrative Tribunal proposes to consider in accordance with subsection (1).

[Section 6.79 inserted by No. 55 of 2004 s. 696.]

6.79B. Written reasons for certain determinations to be given and published

If the State Administrative Tribunal considers that an order it makes determining a matter coming before it on a reference under section 6.77 or 6.78 is of general interest or significance, it is to prepare written reasons for its order and give a copy of the reasons to each party and publish the written reasons.

[Section 6.79B inserted by No. 55 of 2004 s. 696.]

6.80. Objections and reviews against valuations

There is not to be an objection or review in respect of a valuation of rateable land appearing in a rate record except in accordance with the Valuation of Land Act 1978.

[Section 6.80 amended by No. 55 of 2004 s. 697.]

6.81. Objection not to affect liability to pay rates or service charges

The making of an objection under this Subdivision does not affect the liability to pay any rate or service charge imposed under this Act pending determination of the objection.

[Section 6.81 amended by No. 55 of 2004 s. 698.]

6.82. General review of imposition of rate or service charge

- (1) *Where there is a question of general interest as to whether a rate or service charge was imposed in accordance with this Act, the local government or any person may refer the question to the State Administrative Tribunal to have it resolved.*
- (2) *Subsection (1) does not enable a person to have a question relating to that person's own individual case resolved under this section if it could be, or could have been, resolved under section 6.76.*
- (3) *The State Administrative Tribunal dealing with a matter referred to it under this section may make an order quashing a rate or service charge which in its opinion has been improperly made or imposed.*

[Section 6.82 amended by No. 55 of 2004 s. 699.]

STATUTORY ENVIRONMENT:

Sections 6.76 – 6.82 of the *Local Government Act 1995*.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION

That Council advises Mr Tony Ryan, Chairman of the Lower Donnelly River Conservation Association (LDRCA), of the following decision of Council in respect to the objection raised on rating the Lessee's and the imposing of the Waste Management Levy under the *Waste Avoidance and Resource Recovery Act 2007*:-

1. That in accordance with Section 6.76(1)(ii) of the *Local Government Act 1995*, Council has given due consideration to the objection of Council rates being imposed on the Donnelly River Huts and that Council dismisses the objection as it considers that the Leased properties are rateable in accordance with Section 6.26 of the *Local Government Act 1995*;

2. That Council re-affirms its decision at the 20 October 2016 Ordinary meeting that the Waste Management Levy imposed under the *Waste Avoidance and Resource Recovery Act 2007* on the Lessee's of the Donnelly River Huts is deemed to be an appropriate charge and should remain based on the precedent set to all other ratepayers in similar situations within the Shire of Nannup;
3. That in accordance with Section 6.76(6) of the *Local Government Act 1995* Mr Ryan be advised in writing of Council's decision in relation to the above; and
4. That Council advises Mr Ryan of Section 6.77 of the *Local Government Act 1995* which details the further processes of appeal to the State Administrative Tribunal if the Donnelly River Hut Lessee's are dissatisfied with Council's decision.

VOTING REQUIREMENTS:

Absolute Majority

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AGENDA NUMBER:	12.2
SUBJECT:	2017 Local Government Elections
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Peter Clarke – Returning Officer
FILE REFERENCE:	ADM 2
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 September 2017
ATTACHMENT:	Nil

BACKGROUND:

Nominations for the 2017 Council Elections closed on Thursday, 14 September 2017 at 4.00pm with the following nominations being received:-

North Ward

2 Vacancies 4 year terms

GIBB, Ian Richard
SLATER, Anne Michele
HANSEN, Vicki Jane
STEVENSON, Catherine Anne

South Ward

1 Vacancy 4 year term

MELLEMA, Robin Eric Brian
HEITMAN, Kimberley James

Central Ward

1 Vacancy 4 year term

BUCKLAND, Christopher

COMMENT:

Following the closure of nominations on Thursday, 14 September 2017 at 4.00pm, the CEO in his capacity as Returning Officer made the following declarations in respect to the nominations received:-

North Ward

2 Vacancies 4 year terms

GIBB, Ian
SLATER, Anne
HANSEN, Vicki
STEVENSON, Cate

In view of there being more nominations than the two vacancies required for North Ward, an election will be conducted on Saturday, 21 October 2017 to fill the above vacancies. A draw for positions on the Ballot Paper was conducted with the positions on the Ballot Paper indicated above.

South Ward

1 Vacancy 4 year term

MELLEMA, Robin
HEITMAN, Kim

In view of there being more nominations than the one vacancy required for South Ward, an election will be conducted on Saturday, 21 October 2017 to fill the above vacancy. A draw for positions on the Ballot Paper was conducted with the positions on the Ballot Paper indicated above.

Central Ward

1 Vacancy 4 year term

BUCKLAND, Christopher

In view of only one nomination being received for the one required vacancy for the Central Ward, Mr Christopher Buckland was duly elected unopposed to the position of Councillor for the Central Ward for the ensuing 4 years with his term expiring in October 2021.

STATUTORY ENVIRONMENT:

Local Government Act 1995 and Local Government (Elections) Regulations 1997

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There will be financial implications associated with the conduct of an Election for the North and South Wards. Provision for such costs has been provided for in the 2017/2018 Budget.

STRATEGIC IMPLICATIONS:

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

RECOMMENDATION

That Council receives the report provided by the Returning Officer on the Nominations received and Election to be conducted on Saturday, 21 October 2017 for the North and South Wards.

VOTING REQUIREMENTS:

Simple Majority

Shire of Nannup
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AGENDA NUMBER:	12.3
SUBJECT:	Proposed Special Meeting of Council - For the purpose of Swearing-in Newly Elected Councillors, Election of Shire President and Deputy Shire President and Appointment of Committees
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Peter Clarke – Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 September 2017
ATTACHMENT:	Nil

BACKGROUND:

With the Local Government Elections being held on Saturday, 21 October 2017, it is good policy to undertake the Swearing-in of newly Elected Members, the election of the Shire President and Deputy Shire President and appointment of Councillors to various Committees at a Special Meeting of Council rather than these processes being carried out as part of the normal monthly meeting, which is scheduled to be held on Thursday, 26 October 2017.

The scheduling of a Special Meeting allows Councillors families and friends to witness the process and then enjoy some fellowship following the meeting without the normal business of Council interfering in this important occasion.

COMMENT:

It is therefore proposed that Council schedules a Special Meeting on **Monday, 23 October 2017 commencing at 4.30pm** specifically for the purpose of swearing-in newly elected Councillors, election of the Shire President and Deputy Shire President position's and appointment of Councillors to various Committees etc.

The CEO, in consultation with the Shire President, has contacted Mr Ross Croft in his capacity as a Justice of the Peace inviting him to witness the Swearing-in process and Mr Croft has confirmed his availability.

STATUTORY ENVIRONMENT:

Sections 2.15, 2.29 and Schedule 2.3 Division 2 of the *Local Government Act 1995* relating to declarations of appointment and processes for the election of the Shire President and Deputy Shire President's positions.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

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

RECOMMENDATION

That Council schedules a Special Meeting to be held on **Monday, 23 October 2017** commencing **at 4.30pm** in the Council Chambers for the purposes of swearing-in newly elected Councillors, election of the Shire President and Deputy Shire President position's and appointment of Councillors to various Committees etc.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.4
SUBJECT:	Request to Waiving of Hire Fees
LOCATION/ADDRESS:	Nannup Oval
NAME OF APPLICANT:	Nannup Tee-Ball and Baseball Association
FILE REFERENCE:	FNC 10
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 September 2017
ATTACHMENT:	Nil

BACKGROUND:

Mrs Lorraine Learmond Chairperson of the Nannup Tee-Ball and Baseball Association, writes to Council requesting that it waives hire fees for the Nannup Oval to assist the Association in establishing itself in Nannup.

Mrs Learmond advises that the Tee-Ball Club has been in place for several years but has previously operated under the Busselton Club registration banner. Mrs Learmond now believes that the Club has sufficient traction through an increase in membership to justify the formation of a purely Nannup team. A Nannup registered team would allow greater control in decision making and to utilise the Association’s funding where it is needed to grow the club and benefit the members.

Mrs Learmond advises that ideally the Association would like to utilise the Oval for practice and match sessions and these would be scheduled for Friday afternoons between 4.30pm until 6.00pm during school terms. They would utilise 2 or 3 “diamonds” on the oval during practice, one for each of the different age groups. The season will close on 13 April 2018 (they will not operate over the school holidays, however will use the oval to train the state team during that same time).

Mrs Learmond advises that the Association will ensure that there is no damage to the Oval or its surrounds and they will have the children carry out an “emu bob” on the close of every session. The Association would also like to hold a fun day on the Oval on Sunday, 15 October from 1.00pm – 3.00pm which will provide an opportunity for new members to see what is involved and for everyone to have a bit of fun on the day.

COMMENT:

The Nannup Tee-Ball and Baseball Association should be congratulated for establishing the sport in Nannup.

The above request to utilise the Oval and for Council to waive hire fees is similar to that of the Nannup Auskick Club in 2016. The success of Auskick, just by the amount of children participating on a Sunday morning, should be replicated with the Nannup Tee-Ball and Baseball Association and if Council can assist through the waiving of fees to achieve greater participation in sporting activities and the well-being of our young people, then this should be fully supported.

The requested use of the Nannup Oval is 1.5 hours per week and Council does not have an hourly usage on its Fees and Charges Schedule. Fees for the Oval Usage are as follows:-

- \$65.00/day
- \$500.00 Seasonal fee
- \$30.00 Changerooms/Toilets.

Other users of the Recreation Centre facilities, other than the oval, are required to pay the appropriate fees and charges and it would be setting an unwanted precedent to waive these fees. The \$30.00 fee for use of the Changeroom/Toilets should not be a huge imposition on the organisers and users costs.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017-2027 – Our Community Leadership - Strategy 5.1 Support Existing and Emerging Community Groups.

RECOMMENDATION

That Council advises Mrs Learmond, Chairperson Nannup Tee-Ball and Baseball Association, that Council is prepared to allow the use of the Nannup Oval free of charge to assist in the development and establishment of Tee-Ball and Baseball in Nannup however, fees for the use of the Nannup Recreation Centre Changerooms/Toilet facilities will be required to be paid at the rate of \$30.00 per session based on Council's Fees and Charges Schedule.

VOTING REQUIREMENTS:

Simple Majority

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AGENDA NUMBER:	12.5
SUBJECT:	Request for Reduction in Hire Fees – Nannup Recreation Centre
LOCATION/ADDRESS:	Reserve 9185 - Nannup Recreation Centre
NAME OF APPLICANT:	Nannup Amateur Basketball Association
FILE REFERENCE:	REC 5
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	19 September 2017
ATTACHMENT:	Nil

BACKGROUND:

The Nannup Amateur Basket Association (NABA) writes to Council in regard to the request they made at the Nannup Shire meeting in August 2017 regarding Recreation Centre hire fees and advise that the 2017/18 season for the Nannup Amateur Basketball Association will be commencing 11th October 2017.

The Association advises that they are concerned that the increasing court hire fees are becoming exorbitant based on the fact that for the past three years, costs have increased each year by approximately \$1000. Combined with the demise of Kids Sport funding (will only help families with current healthcare cards), families will be struggling to afford the cost associated with their children playing sport.

The Association indicates that if fees continue to rise, basketball registration costs will rise with them. As one of the few sports that function in Nannup, we hope that Council takes into consideration that facilities for basketball have not altered, and we see no reason for the rising costs each year.

The Association advises that there has been no change in regard to the court. NABA has in the past requested a 'No Charge Semi-Circle Line' marked on the court at both ends, which has not happened.

The Association provides, for Council information, a rundown of their payments for court hire at the Nannup Recreation Centre over the past 3 seasons:

- 14/15 season \$1100
- 15/16 season \$1999.20
- 16/17 season \$3020

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From 2015/16, the fees increased by 81%. 2016/17 fees increased by 51%. This represents a 174% increase over two years.

The Association reminds Council that they are a not for profit organisation and it is important that they keep children playing sport in Nannup rather than travelling to neighbouring areas, which will become their only option if NABA is unable to meet rising court hire fees.

NABA request that court hire fees be capped at \$2000. It is in everyone's interest to keep sport alive in this town. Besides, what good is the Recreation Centre if it becomes out of reach for the community.

COMMENT:

It is acknowledged that the Nannup Amateur Basketball Association is a strong organisation in Nannup that provides sport for both senior and juniors in the district.

The Association contends that it has had significant hire fees in recent years and that fees have risen substantially over this period. On paper this appears to be the case however, there are valid reasons for the increase in fees which has been researched by the Manager Corporate Services and which are listed below:-

The Shire of Nannup's Fees and Charges Schedule states the following in respect to Seasonal Hire:

- **Seasonal Booking Option - Basketball/Netball/Trapeze**
Based on 85% of hour hall hire, 1hour per week x 10 weeks

2014/2015 Season	<p>\$1,100.00 Paid</p> <p>Based on hourly rate of \$20.00</p> <p>A reduction in annual fees, to those Fees and Charges set by Council for the 2014/2015, was approved by the then CEO. It is unknown why the reduction was granted.</p> <p>Payment should have been \$1,940.00.</p>
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**Shire of Nannup
Ordinary Council Meeting Agenda: 28 September 2017**

2015/2016 Season	<p>\$1,999.20 Paid</p> <p>112 Hours Court Hire for the season.</p> <p>\$204.00/session as per Fees and Charges – equates to \$20.40/hour</p> <p>A reduction in annual fees of \$816.00 was granted due to inconvenience associated with building works at the Recreation Centre.</p>
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2016/2017 Season	<p>\$3,020.00 Paid</p> <p>\$212.50/session as per Fees and Charges – equates to \$21.25/hour</p> <p>142.5 Hours Court Hire for season (an increase of 30.5 hours from 15/16 season)</p>
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NOTE: There has been no increase in the Fees and Charges for the 2017/2018 financial year for the hire of the Basketball Court.

In reality the increase in fees over 4 financial years has only seen an increase of \$1.25/hour i.e., a 6.25% increase over 4 years.

In respect to the following comment in the Association's correspondence:-

"The Association advises that there has been no change in regard to the court. NABA has in the past requested a 'No Charge Semi-Circle Line' marked on the court at both ends, which has not happened".

At the April 2017 Ordinary Meeting of Council Mrs Rita Stallard posed the following question at Public Question Time:-

- Q 2 Now that the Basketball season has come to a close, is it possible for the Shire to paint the semi-circle on the court in accordance with WA Basketball Association requirements and could this be achieved prior to the 2017/2018 season?

A 2 The Shire President deferred this question to the CEO who advised that Shire staff would liaise with the Nannup Basketball Club regarding this matter.

At the May 2017 Information Session, the CEO provided the following information based on the above question:-

“At the April 2017 Ordinary meeting of Council, Mrs Rita Stallard at the Public Question Time Session queried as to when the Shire would be applying the new “charge lines” to the Basketball Court as it was difficult for umpires to determine the ruling without the appropriate markings and could this be undertaken prior to the 2017/2018 season. The CEO had responded by saying that he would liaise with the Nannup Basketball regarding this matter.

Information has come to hand that Mr Chris Wade, the previous Manager for Infrastructure had engaged Silkwood Sanding in January 2016 to undertake a reseal of the court at a cost of \$3,500. Apparently the Nannup Basketball Association had requested not long after these works had been undertaken to incorporate the new “charge lines”. The Manager Infrastructure advised the Association that this was not possible and consideration would only be given when the court was again due for a reseal. Markings on the court are covered by the seal and installing new lineage over the existing seal is not recommended.

The CEO will be providing the above information to the Nannup Basketball Association”.

Following the above report, the CEO met with the then President of the Nannup Amateur Basketball Association, Mrs Ellie McKie, to explain the above reasoning. At that meeting Mrs McKie indicated that the “Charge Line” was not a priority and appreciated Council’s reasoning for not installing same at this time.

The CEO had also spoken to an Accredited State Umpire, who indicated that the although the “Charge Lines” were a rule within the code, it was primarily implemented for high level basketball to protect players when slam dunking, which rarely occurred in amateur basketball. It was also noted at the time that other Amateur Basketball Associations had not installed the “Charge Lines” and would only do so in the same circumstances as the Shire of Nannup.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

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

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

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

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION

That Council advises the Nannup Amateur Basketball Association that it does not accept their account of hire fee increases based on the information provided by Council staff and in respect to discounts on usage received in the 2014/2015 and 2015/2016 seasons and therefore, Council advises the Association that the current Fees and Charges for use of the Nannup Recreation Centre remain as set for the 2017/2018 financial year.

In respect to “Charge Lines” being incorporated into the flooring lineage markings, Council advises the Association that this will only be carried out when a reseal of the Court is due to be undertaken. Alternatively, if the Basketball Association deems that the “Charge Lines” must be installed immediately, they may wish to fund such works under the direction of the Manager Infrastructure.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.6
SUBJECT:	Chief Executive Officer Contract of Employment Expiry – Proposed Negotiations for Extension of Term
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Peter Clarke
FILE REFERENCE:	Personal File
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 September 2017
ATTACHMENT:	12.6.1 - Local Government Operational Guidelines – Appointing a CEO

BACKGROUND:

The Shire President wrote to the CEO on 4 September 2017 advising that his Contract of Employment is due to expire on 3 March 2018 and as per Clause 2.2(a) and 2.2(b) of the Contract, it states the following:-

- (a) *“The Council shall invite the Officer in writing not later than six (6) months prior to the expiry of the Term to discuss the possibility of the parties entering into a new agreement for a further term with the intent of finalising those discussions not later than three (3) months prior to the expiry of the term; and*

- (b) *In the event that the Council and the officer agree to an extension of the Term, this Agreement shall continue to apply unless varied in writing by the parties.*

The Shire President had advised Mr Clarke that the purpose of Council’s correspondence was initially to seek Mr Clarke’s interest in potential negotiations for a further term and if so, the Shire President would present this interest to Council for its decision as to whether it wishes to entertain ongoing negotiations with the intent of finalising same not later than three (3) months prior to the expiry of the term.

COMMENT:

Mr Clarke has since responded in writing advising that it is not his intention to seek renegotiation for an extension beyond the current term and would therefore be terminating his position with the Shire of Nannup on or around the expiry date of 3 March 2018.

In view of Mr Clarke's decision, Council will now need to commence processes for recruitment of a new Chief Executive Officer with the view to having the appointment made in late 2017 or early 2018 as the successful appointee may be required to give their employer the required 3 months' notice.

Appointment processes for CEO's may well be one issue that is discussed in the upcoming review of the *Local Government Act* and therefore, it may be appropriate for Council to appoint a Consultant to assist it in the recruitment process to ensure that the necessary support, guidance, systems and processes are undertaken to help source and identify the most suitably qualified candidates for interview.

STATUTORY ENVIRONMENT:

Section 5.36(2)(a) and (b) of the *Local Government Act 1995* and Sections 18A, 18B, 18C, 18F and 19A of the *Local Government (Administration) Regulations 1996*.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There will be financial implications associated with the recruitment process of CEO, namely advertising costs, Consultant fees etc.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION

That Council notes the decision of Mr Clarke in not seeking an extension of his current Contract of Employment beyond 3 March 2018 and in view of this decision, Council authorises the Shire President and Deputy Shire President to obtain quotations to consider the engagement of a suitably qualified Consultant to assist Council in the CEO recruitment process if it is deemed to be cost effective.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.7
SUBJECT:	Warren Blackwood Stock Route – Memorandum of Understanding (MOU)
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Warren Blackwood Alliance of Councils and Department of Biodiversity, Conservation and Attractions
FILE REFERENCE:	ASS 11
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	9 September 2016
ATTACHMENT:	12.7.1 – Revised Draft Memorandum of Understanding

BACKGROUND:

At the April 2017 Ordinary meeting of Council a Draft MOU was presented to Council in relation to the Warren Blackwood Stock Route (WBSR), an initiative of the Warren Blackwood Alliance of Councils, to develop a Bridle Trail from Bridgetown to Broke Inlet in the Shire of Manjimup and from Bridgetown to the Scott River area in the Shire of Nannup.

Council resolved the following in respect to the MOU presented:-

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That Council, as a member of the Warren Blackwood Alliance of Councils and supporter of the construction of the Warren Blackwood Stock Route, acknowledges its responsibility for infrastructure maintenance and public liability cover associated with the camp sites and trails within the Shire of Nannup and in doing so, authorises the CEO to sign the Memorandum of Understanding with the Department of Parks and Wildlife on the proviso that other Alliance member Councils are also signatories to the MOU.

CARRIED (8/0)

COMMENT:

The Shires of Bridgetown-Greenbushes and Nannup had endorsed the MOU however, the Shire of Manjimup did have concerns in respect to specific clauses contained within the Draft MOU and some operational costs and route attributable to the Manjimup section of the Trail.

Therefore, the Shire of Manjimup was reluctant to sign the MOU without certain matters being addressed in the original Draft MOU.

Since April 2017 the Shire of Manjimup has been negotiating with Alliance members and the Department of Biodiversity, Conservation and Attractions Parks and Wildlife Division for some changes to the Shire of Manjimup's original route and also various changes to clauses contained within the MOU document.

The Chairman of the Alliance, Cr Paul Omodei, together with the three CEO's, Executive Officer and WBSR Steering Group members met in Bridgetown on Monday, 4 September 2017 to further discuss the above concerns. The discussions were fruitful in respect to the MOU alterations however, in relation to the Shire of Manjimup's proposed route changes, further discussions and approvals from DBCA and funding bodies were required and the Shire of Manjimup was to progress these and report back to the Alliance meeting on Tuesday, 3 October 2017 for consideration and approval.

STATUTORY ENVIRONMENT:

Signed Memorandum of Understanding between DPaW and the Warren Blackwood Alliance of Councils.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Annual maintenance costs of the infrastructure and insurance implications on the infrastructure and public liability cover.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017-2027 – Our Economy - Strategy 2.2 Tourism/Recreation – Increased and Varied Trails throughout the District.

RECOMMENDATION

That Council endorses the alterations to the Draft Memorandum of Understanding between the Warren Blackwood Alliance of Councils, the Department of Biodiversity, Conservation and Attractions and the Shires of Bridgetown-Greenbushes, Manjimup and Nannup in relation to the Warren Blackwood Stock Route and authorises the CEO to sign the MOU on behalf of Council subject to all other parties being signatories to the MOU.

VOTING REQUIREMENTS: Simple Majority

Shire of Nannup
Ordinary Council Meeting Agenda: 28 September 2017

AGENDA NUMBER:	12.8
SUBJECT:	Development Application for a Change of Use from a Single Dwelling to a Chalet
LOCATION/ADDRESS:	Lot 101 (1127) on DP29697 East Nannup Road, East Nannup
NAME OF APPLICANT:	Paul Meschiati and Associates Pty Ltd
FILE REFERENCE:	A1471
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	31 August 2017
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.8.1 - Location map 12.8.2 - Original information from applicant 12.8.3 - Submission 12.8.4 - Response from applicant and from owner of Lot 101 East Nannup Road 12.8.5 - BAL assessment 12.8.6 - Local Planning Policy LPP012 Tourist Accommodation in Rural Areas

BACKGROUND:

Paul Meschiati and Associates Pty Ltd have lodged a Development Application, on behalf of Kevin and Katherine Waddington, for the change of use of an existing single dwelling at Lot 101 (1127) East Nannup Road, East Nannup to a single chalet.

The site, as shown in Attachment 12.8.1, is located on East Nannup Road near the intersection with Gold Gully Road, with vehicular access via an unsealed crossover onto East Nannup Road. The site is 38.79 hectares in area and contains a dwelling, workshop, and horse stables.

Details of the proposal as provided by the applicant are shown in Attachment 12.8.2. In summary, the applicant proposes to convert the existing single dwelling, currently occupied by the property owners, into a chalet accommodating a maximum of four persons for short term accommodation.

The property owners intend to construct a new single dwelling elsewhere on the property as their own permanent accommodation. The proposed new dwelling is not part of this current Development Application for a change of use.

Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 14 days by writing to 7 adjoining/nearby landowners.

The Shire received 1 submission on the Development Application as outlined in Attachment 12.8.3.

In summary, the submitter (owner of 909 Gold Gully Road) objects to the proposed change of use for a range of reasons including that the proposed chalet will result in a loss of amenity to their property and result in an increase in traffic in the area. The submitter also raises a number of queries regarding the management of the proposed chalet.

In response to this submission, the applicant has provided a letter addressing the concerns which is set out in Attachment 12.8.4.

Planning framework

The property is zoned "Priority Agriculture 2" in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3).

"Chalet Development" is an "A" use in the Priority Agriculture 2 Zone as set out in the LPS3 Zoning Table. The Council has the legal power under LPS3 to approve the Development Application for a change of use to a chalet after first seeking comment for at least 14 days.

The property is partially within a bush fire prone area of Western Australia as designated by the Fire and Emergency Services Commissioner. The site of the proposed chalet is contained within the 100m buffer which surrounded a former pine plantation directly across East Nannup Road. It is noted that this plantation has been harvested and the land is being returned to pasture and the Shire will request an amendment to the bushfire mapping to reflect this change in vegetation during the annual review in May 2018. While noting the above, the BAL assessment reveals the rating is BAL-12.5 as shown in Attachment 12.8.5.

The draft *Local Planning Strategy* (LPS) states in Section 5.4 Tourism that its aims are to:

- a) Encourage the development of a wide range of tourist and recreation facilities, tourist accommodation and activities for visitors in appropriate locations within and near the Nannup townsite and in the rural areas of the Shire that appropriately address bushfire planning, environmental assets, landscape qualities and compatibility with adjoining land uses; and
- b) Encourage the establishment of businesses, which attract and promote the Nannup townsite and the Shire as a tourist destination; and

The *Shire of Nannup Strategic Community Plan 2017 – 2027* identifies tourism as one of the strategic drivers, the plan seeks to attract more people to the district and the plan supports a diversified economic base.

Local Planning Policy LPP012 Tourist Accommodation in Rural Areas has the objectives:

1. To minimise conflict between rural and non-rural landowners.
2. To establish suitable guidelines and controls for tourist accommodation to ensure that development approval does not become a basis for future unplanned urban development with consequent demands on the local government for additional services.
3. To establish suitable guidelines and controls for tourist accommodation outlining minimal infrastructure standards required by the local government for development approval to be granted.
4. To encourage links between tourist accommodation and established rural pursuits so as to diversify economic base and retain development at a low key nature.

LPP012 is set out in Attachment 12.8.6.

COMMENT:

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS3, strategies and policies.

It is recommended that Council conditionally approve the Development Application given:

- it is overall consistent with the planning framework;
- the proposed chalet will complement the property owners' established equine behaviour education, Equine Facilitated Learning programs, equine handling workshops and other equine educational programs;
- it supports diversifying the local economy and supports tourism;
- the chalet is well setback from off-site agricultural operations;
- the chalet is approximately 440 metres from the property boundary with 909 Gold Gully Road and is separately by substantial bush;
- the site is readily accessible from East Nannup Road and Gold Gully Road, both of which are sealed and well-maintained, and the site has appropriate vehicular sight distances;
- no clearing of native vegetation is proposed;
- there are expected to be minimal environmental impacts;
- there are no objections from other Shire officers/units;

- it is suggested that bushfire management can be appropriately addressed; and
- development conditions can assist to control the use and management of the development.

A future dwelling on Lot 101 will be subject to the statutory and policy framework once a Building Permit is submitted. As a comment, based on the location outlined in the site plan (Attachment 12.8.2), it appears the new dwelling is consistent with the statutory and policy framework subject to assessing the BAL assessment. The future dwelling is located approximately 200 metres from the property boundary with 909 Gold Gully Road and is separately by substantial bush.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy LPP012 Tourist Accommodation in Rural Areas is relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy in determining the Development Application.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC IMPLICATIONS:

The proposal, if approved and implemented, will assist to support a more diversified economic base.

RECOMMENDATION:

That Council approve the Development Application for a change of use from a single dwelling to a chalet on Lot 101 on Plan 29697 (No. 1127) East Nannup Road, East 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 local government. Where the

Development Approval has lapsed, no further development is to be carried out.

2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the Shire and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire.
3. No person is permitted to stay in the chalet for a period of more than 3 months in any 12 month period once the new dwelling has been completed and permanently occupied by the property owner.
4. No more than 4 persons are to be accommodated in the chalet at any one time.
5. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
6. A smoke alarm must be installed in the chalet on or near the ceiling:
 - (i) in every bedroom in the; and
 - (ii) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.
7. A system of emergency lighting must be installed in the chalet to assist evacuation of occupants in the event of fire and this lighting must:
 - (i) be activated by a smoke alarm(s) (required by the previous Condition); and
 - (ii) consist of:
 - a. a light incorporated within the smoke alarm(s) itself; or
 - b. lighting located within the corridor, hallway or area served by the required smoke alarm(s).
8. The crossover is designed, constructed (sealed) and drained at the applicants' cost to the satisfaction of the Shire prior to occupation of the chalet by clients/visitors.
9. An Emergency Management and Evacuation Plan is to be prepared to the satisfaction of the Shire and then implemented prior to occupation of the chalet. All measures contained in the Plan are to be maintained to the satisfaction of the local government.

10. The landowner is to submit and gain local government approval for a Management Plan, prior to occupation of the chalet, which addresses the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.

Advice

- A) The proponent is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In regards to Condition 3, until such time as a new residence is approved, constructed and occupied by the property owners, the property owners are permitted to stay in the chalet for a period of longer than 3 months.
- C) In relation to Condition 5, the Shire may require water samples to be taken and independently analysed. Should the Shire be required to arrange the testing, it will be at the cost of the landowner/operator.
- D) In relation to Condition 10, the Management Plan is to:
- address the responsibility for clients/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
 - outline the approach to maximise the safety and security of clients and visitors including to the nearby dam;
 - seek the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks;
 - acknowledge that the development is located in an agricultural area and that the impacts of agricultural pursuits should be expected and tolerated; and
 - set out that the operator and/or manager will live on the property.
- E) The proponent is advised that the approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911*, *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, and the *Shire of Nannup Health Local Laws*.
- F) Signs may be erected or displayed to the specification and satisfaction of the Shire with details set out in *Local Planning Policy 18 Signs and Advertisements*.
- G) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be

especially low in volume between 8.00pm and 8.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.

- H) A low fuel area should be permanently maintained around the chalet at all times.
- I) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.9
SUBJECT:	Development Application for a Single Dwelling
LOCATION/ADDRESS:	Lot 515 on DP59099 McAlpine Mews, Nannup
NAME OF APPLICANT:	Milford Homes/Total Home Frames
FILE REFERENCE:	A1633
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 September 2017
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.9.1 - Location map 12.9.2 - Original information from applicant 12.9.3 - Submissions 12.9.4 - Response from applicant 12.9.5 - Revised plans 12.9.6 – Extract from the <i>Residential Design Codes</i> and completed checklist

BACKGROUND:

Milford Homes/Total Home Frames have lodged a Development Application, on behalf of Peter and Linda Rogers, for a single dwelling to be constructed at Lot 515 McAlpine Mews, Nannup.

The site, as shown in Attachment 12.9.1, is 768m² in area and is currently vacant.

Details originally submitted by the applicant are provided in Attachment 12.9.2. The original proposal was not consistent with the deemed-to-comply provisions of *State Planning Policy 3.1 Residential Design Codes* (the R-Codes) as it proposed a reduced boundary setback on the western side of the property which adjoins private residential properties.

The Shire administration wrote to 3 adjoining landowners on Dunnet Road and made the application available for viewing at the Shire office.

The Shire received 3 submissions on the Development Application which are outlined in Attachment 12.9.3. All submissions raised objections to the proposed dwelling based on its height and proximity to the adjoining properties on Dunnet Road and the effect this would have on the amenity of not only the adjoining properties but other nearby residential properties.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant has in turn provided a response to the submissions as shown in Attachment 12.9.4 and plans for a revised design which are shown in Attachment 12.9.5.

This report considers only the revised plans submitted by the applicant dated 9th September 2017 and marked FINAL.

Planning framework

The property is zoned “Residential R10/15” in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). The R15 code applies to the property given the proposed dwelling can be connected to the reticulated sewer system. It is subject to the requirements of both the R-Codes and LPS3.

The purpose of the R-Codes is to provide a comprehensive basis for the control of residential development throughout Western Australia. As per Part 2 Clause 2.2.1 of the R-Codes:

“A proposal for a single house that meets the deemed-to-comply provisions of the R-Codes does not require planning approval, unless otherwise required by the scheme or clause 2.3.”

Clause 2.3 refers to planning approval for single houses on lots smaller than 260m² and does not apply in this instance.

As per Clause 8.2(b) of LPS3 the following development does not require the development approval of the local government:

“The erection on a lot of a single house including any extension or ancillary outbuildings, except where the proposal:

- (i) requires the exercise of a discretion by the local government under the scheme to vary the provisions of the Residential Design Codes;
- (ii) is located in a Heritage Area designated under the scheme;
- (iii) requires the exercise of a discretion by the Council under the scheme to vary the setback provisions of a specific zone;
- (iv) is outside an approved building envelope or within a building exclusion area;
- (v) is within the Flood Risk Land Special Control Area;
- (vi) is within the Landscape Values Area; or
- (vii) is on a lot or location which does not have access to a dedicated and/or constructed road.”

An extract of from the R-Codes outlining the approval process for the decision-maker is included in Attachment 12.9.6 along with an R-Codes assessment checklist completed for the proposed dwelling.

COMMENT:

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be consistent with both the R-Codes deemed-to-comply provisions and LPS3.

The applicant has worked with the property owners to reduce the maximum wall height of the proposed dwelling from 6.25m to 5.45m. All major openings on the western side of the dwelling have been redesigned and both side verandahs have been removed to improve the visual privacy of the adjoining properties on Dunnet Road. These changes result in the proposed design now meeting the deemed-to-comply provisions of the R-Codes.

It is acknowledged that there will be some visual impact on the properties on Dunnet Road, however there is no statutory backing either in the form of a restrictive covenant or otherwise, which guarantees the view from these properties.

The Council has the discretion to approve or refuse the Development Application, however the Shire administration highlights the Development Application should be conditionally approved.

It is worth noting that if the applicant had presented the revised design to the Shire administration in place of the original, no development application would have been required.

STATUTORY ENVIRONMENT:

Council is required to exercise its quasi-judicial and statutory function in this matter with the key document, relevant for this Development Application, being the *Residential Design Codes*.

The Council has the discretion to approve or refuse the Development Application, however the Shire administration highlights the Development Application should be conditionally approved.

Should the Council determine to refuse the Development Application, it is highlighted that a refusal will be subject to a high level of external scrutiny. In particular, decisions not based on sound planning principles will not be upheld by the *State Administrative Tribunal* (SAT) should the matter be subject to a Right of Review.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

All costs associated with the development will be borne by the applicant. However, should the applicant be aggrieved by Council's decision and seek a review of that decision through the SAT, costs are likely to be imposed on the Shire through its involvement in the review process. Additionally, the Shire could be liable for costs associated with defending the decision at a SAT hearing.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council approve the Development Application for single dwelling to be constructed at Lot 515 on DP59099 McAlpine Mews, 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 local government. Where the Development Approval has lapsed, no further development is to be carried out.
2. The development hereby approved must be carried out generally in accordance with the plans and specifications dated 9th September 2017 submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire.
3. The provision of details as to how stormwater will be addressed for the proposed development (including stormwater from roofs, driveways and other impervious areas) to the satisfaction of Shire. The Shire will require that all stormwater from roofed and impervious areas shall be collected, detained and suitably treated on site to the satisfaction of the Shire prior to occupation.
4. The development is connected to the reticulated water system prior to occupation.
5. The development is connected to the reticulated sewer system prior to occupation.

6. The crossover is designed, constructed (sealed) and drained at the applicants' cost to the satisfaction of the Shire prior to occupation.
7. The applicant is to lodge a performance bond of \$3,000 with the Shire for the sealing of the crossover prior to the issue of a Building Permit.

Advice

- A) The proponent is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 3, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells). The Shire will support stormwater run-off being connected to a Shire stormwater legal point of discharge provided it is appropriately designed via a soakwell/silt pit to the satisfaction of the Shire.
- C) In relation to Condition 7, the crossover performance bond will be returned to the applicant once the building work has been completed and the crossover has been constructed to the satisfaction of the Shire.
- D) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal.

VOTING REQUIREMENTS:

Simple Majority.

COMMUNITY & DEVELOPMENT SERVICES

AGENDA NUMBER:	12.10
SUBJECT:	Nannup Community Bus Contract
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Louise Stokes- Economic & Community Development Officer
FILE REFERENCE:	WLF 8
AUTHOR:	Louise Stokes- Economic & Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 September 2017
ATTACHMENT:	12.10.1 - Draft Nannup Community Bus Contract

BACKGROUND:

The Nannup Community Resource Centre currently administers the Nannup Community Bus under a contract with Council. The term of the contract has expired.

COMMENT:

It is proposed to renew the contract with the Nannup Community Resource Centre and to increase the annual administration fee from \$2,000 plus GST to \$2,500 plus GST. The increase in fees would cover the Nannup Community Resource Centre providing administration support and promotion for the Friends of the Community Bus outings. This has previously been undertaken by the ECDO.

Currently the contract is reviewed annually. It is proposed that if and when the agreement changes the contract is reviewed and referred to Council for a decision.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

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 Nannup Community Bus Contract.

VOTING REQUIREMENTS:

Simple Majority

FINANCE & ADMINISTRATION

AGENDA NUMBER:	12.11
SUBJECT:	Budget Monitoring – July & August 2017
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Corporate Services Manager
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 September 2017
ATTACHMENT:	12.11.1 – Financial Statements for the period ending 31 July 2017 12.11.2 – Financial Statements for the period ending 31 August 2017

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.X.X

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:

Please refer to the attachment, Financial Statements for period(s) ending 31 July 2017 and 31 August 2017 for a detailed analysis of our end of year position, as found in Note 2.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The attached financial statements detail financial outcomes for 2017/18.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

Monthly Financial Statements for the period ending 31 July & 31 Aug 2017 be received.

VOTING REQUIREMENT:

Simple Majority.

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AGENDA NUMBER:	12.12
SUBJECT:	Monthly Accounts for Payment – August 2017
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Corporate Services Manager
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 September 2017
ATTACHMENT:	12.12.1 – Accounts for Payment August 2017 12.12.2 – Credit Card Transactions August 2017

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 August 2017 to 31 August 2017 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	9683 – 9779	159,643.25
Accounts paid by cheque	20209 – 20216	42,087.80
Accounts paid by Direct Debit	DD9915.1 – DD9945.9	37,485.40
<i>Sub Total Municipal Account</i>		<u>\$239,216.79</u>

Trust Account

Accounts paid by EFT	-	0.00
Accounts Paid by cheque	22805-22805	500.00
<i>Sub Total Trust Account</i>		<u>\$500.00</u>
Total Payments		<u><u>\$239,716.79</u></u>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$239,716.79 1 August 2017 to 31 August 2017 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

Nil

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

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

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

Cr Gilbert submitted the following Questions on Notice to the CEO:-

1. *What substantiation does the Shire have for the river level that is displayed upon the "Flood Tree" at the Blackwood River for the year 1910?*

Response

The 1910 flood level depicted on the "Flood Tree" was provided by a community member. Council staff have previously been notified that the 1910 marker is not in the correct location and assurances have been provided that it will be rectified when there is opportunity.

There is no budget allocation for a cherry picker to come into town specifically for this job, and when a cherry picker does come into town for another shire job the plaque will be removed.

This was meant to happen at the 2017 Music Festival however the company supplying the cherry picker had to deliver a different model, which could not navigate the slope down to the river to access the tree.

Staff are aware of the situation and it will be resolved.

2. *What commitment has the Shire towards maintaining power supplies to hirers of community services at the Recreation Centre in the event of a power outage?*

Response

Cr Gilbert's question relates to the Operating Procedures and ongoing training of Council employees to ensure that they are competent when changing over from mains power to generators when power failures occur. It was evident during a recent power failure at the Administration Offices that regular training does not occur due to the time taken in transferring to generator power.

Operating Procedure sheets are available to guide staff through the changeover process but it is acknowledged that without regular simulated training, the changeover process can be delayed, which was evident on the above occasion.

To ensure that this does not occur in the future, regular training will be implemented at the both the Administration Office and Recreation Centre to ensure that appropriate staff are adept at changeovers.

17. CLOSURE OF MEETING



Agenda Attachments

Item	Attach	Title
8.1		Shire of Nannup Ordinary Council Meeting Minutes 24 August 2017
9.1		Risk Management Advisory Committee Minutes 23 August 2017
9.2		Warren Blackwood Alliance of Councils Minutes 23 August 2017
9.3		WALGA South West Zone Minutes 23 August 2017
12.6	1	Local Government Operational Guidelines – Appointing a CEO
12.7	1	Revised Draft Memorandum of Understanding
12.8	1	Location map
	2	Original information from applicant
	3	Submission
	4	Response from applicant and from owner of Lot 101 East Nannup Road
	5	BAL assessment
	6	Local Planning Policy LPP012 Tourist Accommodation in Rural Areas
12.9	1	Location map
	2	Original information from applicant
	3	Submissions
	4	Response from applicant
	5	Revised plans

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	6	Extract from the <i>Residential Design Codes</i> and completed checklist
12.10	1	Draft Nannup Community Bus Contract
12.11	1	Financial Statements for the period ending 31 July 2017
	2	Financial Statements for the period ending 31 August 2017
12.12	1	Accounts for Payment August 2017
	2	Credit Card Transactions August 2017