



Shire of  
**Nannup**  
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# Minutes

Council Meeting held Thursday 22 February 2018

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# Minutes

## 1. DECLARATION OF OPENING

The Shire President declared the meeting open at 4.32pm

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

### ATTENDANCE:

Shire President: Cr A Dean

Councillors: R Mellema, C Buckland, R Longmore, N Steer, C Stevenson, V Hansen and P Fraser

Peter Clarke – Chief Executive Officer  
Tracie Bishop – Manager Corporate Services  
Jon Jones – Manager Infrastructure

### APOLOGIES:

Nil

### LEAVE OF ABSENCE:

Nil

**VISITORS:** David Taylor, Robert Bootsma, Jenny Dewing (Blackwood Biosecurity Inc.), Sheila Howat (Blackwood Biosecurity Inc.), Tim Thompson (DPIRD), Jason Dearle (DPIRD), Royston Sinclair, Robyn Sinclair, Kerri Firth, Julie Kay, Ian Gibb, Di Ness, Cheryle Brown, Thelma Cluning and Cliff Winfield (Shire of Manjimup).

## 3. APPLICATION FOR LEAVE OF ABSENCE:

Nil

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

Nil

**5. PUBLIC QUESTION TIME**

*Kerri Firth*

**Q1.** I wish to express my concerns regarding the condition of the footpath in front of Pickle and O. The area is slippery when wet and as such a safety hazard.

**A1** The Shire President deferred this question to the Manager Infrastructure who advised the Shire is aware of the issue with the seal on the footpath in front of Pickle and O. The Manager Infrastructure will take the question on notice and determine what repairs are necessary.

**Q2** There are several areas within the Shire that have tables and chairs but no rubbish bins. The car rest stops at either end of town; and the recreation centre are examples of such locations.

**A2** The Shire President deferred this question to the Manager Infrastructure who asked if Ms Firth could provide the location of said table locations so the lack of rubbish bins could be investigated/addressed.

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

**6.1 Regional Biosecurity Group (RBG) – Proposed Declared Pest Rate (DPR)**

Mr Tim Thompson, Manager Biosecurity and Regulation Agriculture and Food with the Department of Primary Industries and Regional Development, together with Ms Sheila Howat, Executive Officer/Project Officer with the Blackwood Biosecurity Inc., addressed the Council on the establishment of the RBG and the proposed DPR to be imposed on ratepayers/landholders in the Shire of Nannup. Mr Thompson and Ms Howat explained that the DPR will be a community based model rather than a government driven model.

Following the above presentation, the Shire President questioned the presenters regarding the lack of consultation with the Nannup community regarding the proposed DPR and also invited questions from other Councillors.

At the conclusion of the question period both Mr Thompson and Ms Howat gave a commitment to the conduct of three community consultation meetings to be held at three strategic locations in the Shire

of Nannup to afford as many ratepayers/landholders as possible to attend and become familiar with the role of the RBG and the proposed DPR.

**6.2      Nannup Bowling Club**

Representatives of the Nannup Bowling Club cancelled their presentation to Council.

**6.3      Stripes in the Forest Project**

Mr Ian Gibb, Organiser of the Business Initiative Group of Nannup's (BigN) the "Stripes in the Forest" project, provided an update to Council on the progress of the project to date. Mr Gibb spoke of the intention of having a soft opening/introduction of the project at the Nannup Music Festival weekend as an opportunity for the local community to see this project. The BigN appreciates the Council's support on this project and looks forward to further Council support on Stage 2; if Stage 1 is successful.

Mr Gibb, for Councillors interest, displayed one of the "Tiger" models that would be part of the project.

At the conclusion of Mr Gibb's address, the Shire President invited questions from Councillors.

**6.4      Nannup Arts Council**

Mrs Cheryle Brown provided a presentation on behalf of the Nannup Arts Council in relation to the Arts Council's request to utilise the Kindergarten Building as their future base. The relocation is solely for the purpose of cost cutting so the Arts Council can re-invest money into other areas. The dollar value of supporting art is hard to measure; the Margaret River studios have approximately 27,000 visitors visiting their exhibitions each year. If the Nannup Arts Council Inc. could attract some of these visitors it would greatly benefit the group and the wider Nannup community.

Additional information pertaining to the proposal to utilise the building is detailed in a separate report from the CEO in Item 12.1.

**7. DECLARATIONS OF INTEREST**

The Shire President advised that the following Declaration of Interest from Councillor Longmore and Councillor Hansen had been submitted: -

Cr Longmore and Cr Hansen had declared an Impartiality Interest in Item 12.1 relating to "Proposed Joint Use of Nannup Kindergarten Building" as they are both financial members of the Nannup Arts Council Inc.

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

**8.1 18028 FRASER/BUCKLAND**

*That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 25 January 2018 be confirmed as a true and correct record.*

**CARRIED (8/0)**

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

**9.1 18029 BUCKLAND/FRASER**

*That the Minutes of the BIG N Meeting held on 18 January 2018 be received.*

**CARRIED (8/0)**

**9.2 18030 BUCKLAND/FRASER**

*That the Minutes of the Local Tourism Organisation Steering Group meeting held on 31 January 2018 be received.*

**CARRIED (8/0)**

**9.3 18031 MELLEMA/STEVENSON**

*That the Minutes of the Shire of Nannup Bushfire Advisory Committee meeting held 5 February 2018 be adopted.*

**CARRIED (8/0)**

**9.4 18032 MELLEMA/STEVENSON**

*That the Minutes of the Shire of Nannup Local Emergency Management Committee meeting held 7 February 2018 be adopted.*

**CARRIED (8/0)**

**9.5 18033 STEVENSON/LONGMORE**

*That the Minutes of the Warren Blackwood Alliance of Councils meeting held 13 February 2018 be received.*

**CARRIED (8/0)**

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

The Shire President acknowledged the newly appointed Chief Executive Officer; Mr David Taylor; who was in attendance having completed a handover with the current CEO and confirmed his commencement date as of Monday, 16 April 2018.

**11. REPORTS BY MEMBERS ATTENDING COMMITTEES**

Date	Meeting	Councillor
31/01/2018	LTO Steering Group	Longmore
1/02/2018	Blackwood Basin Group	Longmore, Fraser,
5/02/2018	Bushfire Advisory Committee	Fraser, Stevenson, Mellema
7/02/2018	Local Emergency Management Committee	Dean, Mellema
13/02/2018	Warren Blackwood Alliance of Councils	Longmore, Hansen, Dean
17/02/2018	Thank A Volunteer Morning Tea	Dean, Hansen, Buckland, Stevenson, Mellema.
19/02/2018	State Administrative Tribunal Directions Hearing	Dean
20/02/2018	South West Emergency Management Alliance	Stevenson
21/02/2018	Quannup Working Party	Longmore, Hansen, Fraser, Stevenson



Cr Longmore and Cr Hansen had declared an Impartiality Interest in the following Item which related to the “Proposed Joint Use of Nannup Kindergarten Building” as they are both financial members of the Nannup Arts Council Inc.

The Shire President advised that in accordance with the *Local Government Act 1995*, declaration of an Impartiality Interest does allow the Councillors to discuss and vote upon the matter being considered.

AGENDA NUMBER:	12.1
SUBJECT:	Proposed Joint Use of Nannup Kindergarten Building
LOCATION/ADDRESS:	Adam Street, Nannup
NAME OF APPLICANT:	Nannup Arts Council Inc.
FILE REFERENCE:	ASS 12
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT	8 February 2018

**BACKGROUND:**

Ms Carole Patch, President of the Nannup Arts Council, writes to advise Council that further to their preliminary visit to the Kindergarten building on Monday, 13 November 2017, the Nannup Arts Council Committee have continued to investigate the relocation to this site with a visit on 11 January 2018. Ms Patch also advises that the Arts Council has consulted with representatives of both Groups who utilise the building presently, and they are most agreeable to the Arts Council sharing this space.

Ms Patch advises that as a highly valued community not-for-profit organisation, the Arts Council has worked very hard to bring a heightened awareness and appreciation of the visual arts to Nannup. Whilst engaging constantly with their members through social events and exhibitions, the Arts Council has also provided a major tourist attraction for visitors to Nannup.

Ms Patch indicates however, that the Arts Council feels that it is now time to engage in a new vibrant and more expansive programme with their focus on the greater Arts community. Their intent would be to create an Art Hub, which initiates links between the many progressive Arts based groups in Nannup. Ms Patch further advises that the Arts Council Committee is excited at the prospect of being able to move to the Kindergarten facility, as it would provide space for an expanded range of programmes to benefit not only their members, but also the wider community. The Arts Council also envisage relocating the “Paint a Picket” (a community initiative

from its inception) to this site, giving the location a fresh appearance and maintaining the spirit in which it was developed.

Ms Patch advises that the Arts Council has a proven history of building strong relationships and successfully seeking grants for events which bring energy and diversity to Nannup. Since 2011, successive Executive committees have battled with the financial burden of leasing commercial premises. The organisation has continually devised ways to promote a vibrant Arts community, and manage their commitments.

Ms Patch indicates that whilst the Arts Council have achieved great things as an organisation, they are mindful that they cannot continue to harness the membership finances and goodwill, by leasing a commercial property, any more. As a consequence, the Arts Council is seeking to secure a Shire sponsored location that will allow them to utilise their energy and funds, to facilitate a new way forward.

Ms Patch advises that to realise the above ideals, they wish to negotiate the transition of their organisational base to the Kindergarten as soon as possible.

**COMMENT:**

In November 2017 the Nannup Arts Council contacted the CEO to advise of the situation they were in with respect to their current leased site being placed on the market and the significant lease fees that they were exposed too and therefore, were looking for another base for their operations. The Arts Council enquired about potential shire facilities.

The CEO indicated that the only building available was the Kindergarten building but there were currently two existing groups utilising the building, that being the Nannup Playgroup and Nannup Men's Shed. It was pointed out to the Arts Council that the Men's Shed were utilising the building until they had secured Education Department land and grant funding for buildings at this site for their purposes.

The CEO afforded the Arts Council with the opportunity to inspect the building and did stress that they would have to firstly seek the approval and support of the current users of the building to co-locate and then for this to be endorsed by Council. It appears from the above correspondence that the two existing users have no objections to co-locating with the Arts Council.

The Arts Council has advised that they would be seeking similar arrangements to that of the Nannup Playgroup and Men's Shed that usage would be based on a peppercorn rental.

The CEO questioned Ms Patch on the "Paint a Picket" fence being relocated to the site if they were successful with their request to Council for co-location of the facility and she had indicated that the picket fence is a tourist attraction to the town and draws many favourable comments from visitors at their current location.

**STATUTORY ENVIRONMENT:**

Section 3.58 of the *Local Government Act 1995* relating to Disposing of Property: -

3.58. Disposing of property

- (1) In this section —  
**dispose** includes to sell, lease, or otherwise dispose of, whether absolutely or not;  
**property** includes the whole or any part of the interest of a local government in property, but does not include money.
- (2) Except as stated in this section, a local government can only dispose of property to —
  - (a) the highest bidder at public auction; or
  - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
  - (a) it gives local public notice of the proposed disposition —
    - (i) describing the property concerned; and
    - (ii) giving details of the proposed disposition; and
    - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
  - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
  - (a) the names of all other parties concerned; and
  - (b) the consideration to be received by the local government for the disposition; and
  - I the market value of the disposition —
    - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
    - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be

a true indication of the value at the time of the proposed disposition.

- (5) This section does not apply to —
- (a) a disposition of an interest in land under the *Land Administration Act 1997* section 189 or 190; or
  - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or
    - I anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or
  - (d) any other disposition that is excluded by regulations from the application of this section.

*[Section 3.58 amended by No. 49 of 2004 s. 27; No. 17 of 2009 s. 10.]*

Section 30 of the *Local Government (Functions and General) Regulations 1996* relating to Dispositions of Property excluded from Section 3.58 of the *Local Government Act 1995*.

**30. Dispositions of property excluded from Act s. 3.58**

- (1) A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.
- (2) A disposition of land is an exempt disposition if —
  - (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —
    - (i) its market value is less than \$5 000; and
    - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
  - or
  - (b) the land is disposed of to a body, whether incorporated or not —
    - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
    - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Council has never charged the Nannup Playgroup, as they were an original user of building with the Kindergarten until it relocated to the School grounds. In respect to the Men's Shed, the usage of the site was granted on a peppercorn rent on an interim basis until they had secured land and buildings at Education Department land.

As the Arts Council are seeking the Kindergarten building as a permanent home, they may well be capable of contributing some form of rental fee for the use of the building. The Arts Council have been paying a commercial lease fee for the existing premises and a lessor rental may be acceptable to them.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017-2027 – Our Community Leadership – Strategy 5.1, Lead, Listen, Advocate, Represent and Provide – Support existing and emerging community groups.

**RECOMMENDATION:**

That Council advises the Nannup Arts Council that it has no objections to the organisation being a co-located tenant of the Kindergarten building subject to the following: -

1. That the Nannup Arts Council provides letters of support from the current users of the Kindergarten advising that they have no objections to the Arts Council being a co-user of the facility;
2. That Council advises the Nannup Arts Council that it should be contributing an annual rental fee for the premises as it is intended that this will become the Arts Council's permanent home and therefore, Council authorises the CEO to negotiate a fair rental payment with the Arts Council; and
3. That Council advises the Nannup Arts Council that it has no objections to the "Painted Picket Fence" being relocated to the external boundary of the Kindergarten grounds on the proviso that it be responsible for the dismantling and removal of the existing fence and re-erection of the picket fence at the Arts Council's cost.

**VOTING REQUIREMENTS:**

Simple Majority.

**18034 LONGMORE/HANSEN**

***That Council advises the Nannup Arts Council that it has no objections to the organisation being a co-located tenant of the Kindergarten building subject to the following: -***

- 1. That the Nannup Arts Council provides letters of support from the current users of the Kindergarten advising that they have no objections to the Arts Council being a co-user of the facility;***
- 2. That Council advises the Nannup Arts Council that it should be contributing an annual rental fee for the premises as it is intended that this will become the Arts Council's permanent home and therefore, Council authorises the CEO to negotiate a fair rental payment with the Arts Council; and***
- 3. That Council advises the Nannup Arts Council that it has no objections to the "Painted Picket Fence" being relocated to the external boundary of the Kindergarten grounds on the proviso that it be responsible for the dismantling and removal of the existing fence and re-erection of the picket fence at the Arts Council's cost.***

**CARRIED (8/0)**

AGENDA NUMBER:	12.2
SUBJECT:	Australia Day Celebrations – Change of Date
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Rachel Siewert – Senator for Western Australia
FILE REFERENCE:	ADM 4
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT	8 February 2018

**BACKGROUND:**

Senator Rachel Siewert, Australian Greens Spokesperson for Aboriginal and Torres Strait Islander Issues, writes to Council urging it to start a conversation with the community about Australia Day and the proposals to change the date of Australia Day celebrations.

Senator Siewert advises that January 26 reflects a day of mourning for Aboriginal and Torres Strait Islander peoples. On this day in 1788, the First Fleet arrived in Port Jackson and Arthur Phillip raised the Union Jack on the land of the Eora nation. This started over 200 years of oppression for our first peoples. Since then, Australia has never undertaken a national truth and reconciliation process.

Senator Siewert advises that unless we stop celebrating on a day of mourning for many, we can never truly have an inclusive day to celebrate our diverse country. Many local government authorities are starting conversations with their communities over the future of Australia Day, Senator Siewert urges Council to do the same.

Senator Siewert indicates that the City of Moreland, City of Vincent and the City of Fremantle have already joined the push towards changing the date, to ensure everyone is welcome.

**COMMENT:**

There are differing opinions throughout the community and the nation as a whole regarding this issue. Whilst the above local government authorities have openly demonstrated their opinions, many other local governments throughout the state and the country have indicated that as this is a political debate, the matter should be left to Federal and State Governments to progress.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017-2027 – Our Community Leadership – Strategy 5.1, Lead, Listen, Advocate, Represent and Provide.

**RECOMMENDATION**

That Council writes to Senator Siewert acknowledging her correspondence and to advise that it is of the opinion of Council that this debate should be led by Federal and State Governments due to the political nature of this issue and that local government, being generally apolitical, should stay removed from this debate.

**VOTING REQUIREMENTS:**

Simple Majority.

**18035 MELLEMA/LONGMORE**

***That Council writes to Senator Siewert acknowledging her correspondence and to advise that it is of the opinion of Council that this debate should be led by Federal and State Governments due to the political nature of this issue and that local government, being generally apolitical, should stay removed from this debate.***

**CARRIED (8/0)**



AGENDA NUMBER:	12.3
SUBJECT:	Nannup Visitor Centre Services – Contract Extension
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Ms Heather Walford on behalf of the Proprietors of “A Taste of Nannup”
FILE REFERENCE:	TRS 1
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT	13 February 2018

**BACKGROUND:**

Ms Heather Walford has written to Council to advise that the proposed Local Tourism Organisation (LTO) model does not include Visitor Services and therefore, with the current Contract between the Shire of Nannup and “A Taste of Nannup” expiring in June 2018, the future provision of Visitor Services in Nannup needs to be addressed by Council.

Ms Walford advises that at a recent meeting of the Business Initiative Group of Nannup (BigN), it was resolved that BigN writes to Council to recommend that the provision of Visitor Servicing be put out to tender. Ms Walford indicates that this would put “A Taste of Nannup” at risk at a time when they are taking on more costs associated with the Clock Tower Project.

Ms Walford considers that a new 3-year Visitor Servicing Contract with increased funding would provide the proprietors of a “A Taste of Nannup” with the confidence they need to take on the additional risk of an extra building with more rent and outgoings.

**COMMENT:**

To date, no correspondence has been received from BigN in respect to its request for Council to re-tender the Visitor Services Contract.

The Warren Blackwood Alliance of Councils appointed a Steering Group to progress the development of an LTO however, no firm commitments on the proposed LTO’s structure have been made by the Alliance and this would have to be endorsed by the three (3) local government authorities as funding will be the main issue in relation to the LTO’s establishment.

It would be premature for Council to re-tender for the provision of Visitor Services in Nannup based on the LTO development, but it would also be unwise to enter into an

extended Contract of three (3) years, as suggested by Ms Walford, for exactly the same reasons.

Whilst Ms Walford and her co-proprietors of “A Taste of Nannup” should be applauded for their vision and commitment to the Clock Tower Project, it is a business decision of theirs to undertake and develop this project and therefore, Council should not feel obligated to commit to a three (3) year Contract for the Visitor Services.

It is considered by staff that Council should retain the status quo, that is, to consider offering a further 12 months (June 2018 – June 2019) extension of the Visitor Services Contract to “A Taste of Nannup” with the same conditions and remuneration as the 2017/2018 Agreement, subject to the development and establishment of the LTO model by ascertaining whether it is viable, both from a financial and service delivery aspect.

If the LTO model does not become a reality, Council could then re-tender for the provision of Visitor Services for an extended period.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Council currently allocates \$12,500 in its annual Budget for the provision of Visitor Services.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017-2027 – Our Economy – Strategy 2.2 Tourism and Recreation – Support tourism providers and promote our district and support the provision of a Visitor Centre service.

**RECOMMENDATION:**

That Council advises the proprietors of “A Taste of Nannup” that it is prepared to consider the following in respect to the provision of Visitor Services beyond June 2018: -

1. That Council, dependent upon the outcomes of the Local Tourism Organisation development and potential establishment from 1 July 2018, is prepared to consider entering into a further 12-month extension of the Agreement for the provision of Visitor Services with the same conditions and remuneration as previously supplied; and
2. That following the above developments in respect to the outcomes of the LTO’s potential establishment and its viability in respect to the future delivery of visitor services for the region, and the financial capabilities of the Shire to Nannup to commit to the LTO’s ongoing cost structure, Council will then consider whether to re-tender for the provision Visitor Services in Nannup or continue with “A Taste of Nannup” to provide these services for an extended period.

**VOTING REQUIREMENTS:**

Simple Majority

**18036 STEVENSON/LONGMORE**

***That Council advises the proprietors of “A Taste of Nannup” that it is prepared to consider the following in respect to the provision of Visitor Services beyond June 2018: -***

1. ***That Council, dependent upon the outcomes of the Local Tourism Organisation development and potential establishment from 1 July 2018, is prepared to consider entering into a further 12-month extension of the Agreement for the provision of Visitor Services with the same conditions and remuneration as previously supplied; and***
2. ***That following the above developments in respect to the outcomes of the LTO’s potential establishment and its viability in respect to the future delivery of visitor services for the region, and the financial capabilities of the Shire to Nannup to commit to the LTO’s ongoing cost structure, Council will then consider whether to re-tender for the provision Visitor Services in Nannup or continue with “A Taste of Nannup” to provide these services for an extended period.***

**CARRIED (8/0)**

AGENDA NUMBER:	12.4
SUBJECT:	Review of Delegations Register
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 22a
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	13 February 2018
ATTACHMENT:	12.4.1 – Shire of Nannup Delegations Register

**BACKGROUND:**

Section 5.46(2) of the *Local Government Act 1995* requires a local government to review its delegations to officers at least once every financial year.

The *Act* enables Council to delegate many of its functions and powers to officers and committees for the purpose of facilitating the smooth running of Council's operations.

Where a delegation is delegated to the Chief Executive Officer, this can be further delegated to other officers and this is noted in each delegation.

**COMMENT:**

The last review of delegations Register was in January 2017.

In undertaking the Review no changes or amendments were identified.

**STATUTORY ENVIRONMENT:**

Section 5.46(2) of the *Local Government Act 1995*.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That pursuant to Section 5.42 of the *Local Government Act 1995*, Council notes that following a review of the Delegations Register there were no changes or amendments to the delegations contained within the Shire of Nannup Delegations Register and therefore the Register be adopted as presented to Council.

**VOTING REQUIREMENTS:**

Absolute Majority

**18037 STEVENSON/STEER**

*That pursuant to Section 5.42 of the Local Government Act 1995, Council notes that following a review of the Delegations Register there were no changes or amendments to the delegations contained within the Shire of Nannup Delegations Register and therefore the Register be adopted as presented to Council.*

**CARRIED BY ABSOLUTE MAJORITY (8/0)**

AGENDA NUMBER:	12.5
SUBJECT:	Development Application for a Home Business (Massage Therapy & Counselling)
LOCATION/ADDRESS:	Lot 51 (No. 42) on DP98713 Dunnet Rd, Nannup
NAME OF APPLICANT:	Royston & Robyn Sinclair
FILE REFERENCE:	A1335
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 February 2018
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.5.1 – Location map 12.5.2 – Information from applicants 12.5.3 - Extract from <i>Local Planning Policy LPP013 Car Parking and Vehicular Access</i> 12.5.4 – Site photographs 12.5.5 – Additional information from applicants

**BACKGROUND:**

The Shire has received a Development Application from the owners, Royston & Robyn Sinclair, to operate a home business from the existing single dwelling at Lot 51 (No. 42) Dunnet Road, Nannup.

The site, as shown in Attachment 12.5.1, is 1,116m<sup>2</sup> in area and currently contains a single dwelling at the front of the property.

Details submitted by the applicants are provided in Attachment 12.5.2. The home business is proposed to be operated from an existing bedroom at the front of the dwelling with client access to an adjoining bathroom and toilet. The total area occupied by the home business will be 19.62m<sup>2</sup>. The applicants have submitted a separate Development Application for the construction of a carport and crossover which Council will consider separately in item 12.6. The applicants have indicated in this application that the carport will be used as parking for clients of the home business.

The proposed home business is generally consistent with the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* however the associated parking for clients is not consistent with *Local Planning Policy LPP013 Car Parking and Vehicular Access (LPP013)*. The relevant sections of LPP013 are outlined in Attachment 12.5.3.

The Shire administration wrote to six adjoining landowners on Dunnet Road and made the application available for viewing at the Shire office. The Shire received no submissions on the Development Application.

Planning framework

The property is zoned “Residential R10/15” in LPS3. The R10 code applies to the property given the dwelling cannot be connected to the reticulated sewer system. It is subject to the requirements of both the R-Codes and LPS3.

The property is also located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner.

Schedule 1 of LPS3 defines ‘home business’ to mean:

“a business service or profession carried out in a dwelling or on land around a dwelling which:

- a) does not employ more than two people not members of the occupier’s household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 50m<sup>2</sup>;
- d) does not entail the retail sale, display or hire of goods of any nature;
- e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- f) does not involve the use of an essential service of greater capacity than normally required in the zone.”

The proposed use could also be considered as a ‘Home occupation’ which is defined in LPS3 as:

“an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which:

- a) does not employ any person not a member of the occupier’s household;
- b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- c) does not occupy an area greater than 20m<sup>2</sup>;
- d) does not display a sign exceeding 0.2m<sup>2</sup> in area;
- e) does not entail the retail sale, display or hire of goods of any nature;
- f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare

- weight, and does not include the provision for the fuelling, repair or maintenance of motor vehicles; and
- g) does not involve the use of an essential service of greater capacity than normally required in the zone.”

In this case, the Shire administration considered that although the area occupied by the proposed use is less than 20m<sup>2</sup>, massage therapy and counselling were best classified as a business service or profession rather than an occupation.

‘Home business’ is a “D” use in the Residential Zone as set out in the LPS3 Zoning Table which means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.

Clause 5.4 of LPS3 states that car parking spaces shall be provided in accordance with the Schedule 11 requirements and shall be designed, constructed and maintained to the satisfaction of the local government. However as ‘home business’ is not listed in Schedule 11, Clause 5.4.2 of LPS3 states that the local government is to apply such car parking standards as it considers appropriate, having regard to the requirements for similar uses. In this case, the Shire administration considers that a similar use from Schedule 11 would be an ‘office’ which is required to have 1 space per 30m<sup>2</sup> of gross floor area.

LPP013 applies to all developments including new development, alterations or extensions to existing development, new site uses, additional uses, extension of uses or change of uses as considered appropriate by the local government.

**COMMENT:**

Following an assessment of the Development Application against the planning framework and information provided by the applicant, while the Development Application is considered to be generally consistent with LPS3, the client parking and vehicular access is not consistent with LPP013.

Clause 4.13.8.1 of LPS3 states as the objectives of the Residential zone:

- “(a) To promote and safeguard the health, safety, convenience, general welfare and amenity of residential areas and residents;
- (d) To provide for home based employment where such a use does not cause injury to, or prejudicially affect the amenity of the locality within which it is situated.”

While the proposed home business would not be expected to have a negative effect on the general amenity of the area, the design of the client car parking and vehicular access does not protect the safety of clients visiting the property and other users of Dunnet Road.



Section 1 of LPP013, which relates to general car parking provisions, states that:

“Except for a single house and certain group dwelling proposals, all car parking spaces should be designed so vehicles can enter and leave the site in a forward direction.”

Section 14 of LPP013, which relates to vehicular access/crossovers, states that:

“The local government requires that points of entry to and exit from properties/car parking areas onto the street suitably address the safety of all road users, road geometry, sight lines and visibility.

Unless appropriately justified by the applicant and agreed by the local government, parking areas should generally be designed to enable a vehicle to manoeuvre within the site. An exception is where no more than two vehicle bays are provided and where there are sufficient safe sight distances in both directions.”

The Shire administration visited the site to determine if the proposed client car parking spaces and vehicular access would meet the requirements of LPP013. Photographs taken during that visit are shown in Attachment 12.5.4. It was determined that due to the location of a shed on a neighbouring property, the location of bushes in the road reserve and the proximity of the site to the crest at the top of Dunnet Road, that the proposed vehicular access to the client car parking area would not provide safe ingress and egress to clients of the proposed home business, particularly when exiting the property in a reverse direction.

Following this site visit, the Shire administration wrote to the applicants outlining its concerns and suggesting that they consider turning the proposed carport 90 degrees to allow clients to access this parking area from the existing driveway. It was considered that there could then be enough space for vehicles using the carport to turn on the property and exit in a forward direction. The applicants responded that they did not wish to do so as they would have to remove an existing tree on the property and they believe that there is not enough space to turn a vehicle in the existing parking area. The applicants also believe that there is no increased risk to clients in locating the car parking and crossover in the proposed area at the front of the existing dwelling. The response from the applicants is shown in Attachment 12.5.5.

While the Shire administration considers the addition of a massage therapy and counselling service to Nannup to be of benefit to the community, based on the information provided, the applicant has not sufficiently addressed the objectives for the Residential zone as outlined in LPS3, or the requirement to provide safe car parking and vehicular access for visiting clients as outlined in LPP013.

It is therefore recommended that Council refuse the Development Application and encourages the applicant to re-apply once they have addressed the issues raised above.

**STATUTORY ENVIRONMENT:**

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

**POLICY IMPLICATIONS:**

*Local Planning Policy LPP013 Car Parking and Vehicular Access* 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:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

That Council refuse the Development Application to operate a home business (massage therapist and counsellor) at Lot 51 (No. 42) on DP98713 Dunnet Road, Nannup.

The reason for refusal is that the application does not meet the objectives of the *Shire of Nannup Local Planning Scheme No.3* and *Local Planning Policy LPP013 Car Parking and Vehicular Access*, in particular:

- A. The proposed car parking and vehicular access do not meet objective 4.13.8.1(a) of the Residential Zone as outlined in the Shire of Nannup Local Planning Scheme No.3;
- B. The client car parking spaces and vehicular access have not been designed so vehicles can enter and leave the site in a forward direction;
- C. The points of entry to and exit from the client car parking area onto Dunnet Road do not suitably address the safety of all road users, sight lines and visibility, particularly when considering the nearby crest; and

- D. The parking area has not been designed to enable a vehicle to manoeuvre within the site and there are not safe sight distances in both directions, particularly when exiting the client car parking area in a reverse direction.

Council encourages the applicant to re-apply once the issues noted above have been addressed.

**VOTING REQUIREMENTS:**

Simple Majority.

Cr Mellema Foreshadowed the following motion in relation to the Massage Therapy & Counselling business: -

***That Council approves of the Development Application to operate a home business (massage therapist and counsellor) at Lot 51 (No. 42) on DP98713 Dunnet Road, Nannup and the reasons for acceptance is that without the use of the carport and second cross over this application would have been approved under delegated authority of the Chief Executive Officer. This approval would be subject to conditions as required by the Development Services Officer.***

The Shire President indicated that he would deal with the recommendation as presented and dependent upon the decision of Council in respect to same, then present Cr Mellema's Foreshadowed motion:

**18038 DEAN/STEVENSON**

***That Council refuse the Development Application to operate a home business (massage therapist and counsellor) at Lot 51 (No. 42) on DP98713 Dunnet Road, Nannup.***

***The reason for refusal is that the application does not meet the objectives of the Shire of Nannup Local Planning Scheme No.3 and Local Planning Policy LPP013 Car Parking and Vehicular Access, in particular:***

- A. The proposed car parking and vehicular access do not meet objective 4.13.8.1(a) of the Residential Zone as outlined in the Shire of Nannup Local Planning Scheme No.3;***

- B. The client car parking spaces and vehicular access have not been designed so vehicles can enter and leave the site in a forward direction;***
- C. The points of entry to and exit from the client car parking area onto Dunnet Road do not suitably address the safety of all road users, sight lines and visibility, particularly when considering the nearby crest; and***
- D. The parking area has not been designed to enable a vehicle to manoeuvre within the site and there are not safe sight distances in both directions, particularly when exiting the client car parking area in a reverse direction.***

***Council encourages the applicant to re-apply once the issues noted above have been addressed.***

**LOST (8/0)**

#### **18039 MELLEMA/LONGMORE**

***That Council approves of the Development Application to operate a home business (massage therapist and counsellor) at Lot 51 (No. 42) on DP98713 Dunnet Road, Nannup and the reasons for acceptance is that without the use of the carport and second cross over this application would have been approved under delegated authority of the Chief Executive Officer. This approval would be subject to conditions as required by the Development Services Officer; as outlined below:***

#### **Home Business**

- 1. 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.***
- 2. If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect. Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.***
- 3. Development approval for the home business is issued only to the applicant to whom the approval is granted and is not transferrable to another person or property.***

4. *The home business hereby permitted shall not employ more than two people not members of the occupiers' household.*
5. *The home business hereby permitted shall not involve the retail sale, hire or display of goods of any nature.*
6. *Clients visiting Lot 52 (No.42) Dunnet Road for use of the proposed home business must park within the boundaries of the property subject to this approval and not on the street or on the verge abutting the subject property or any other property.*
7. *The home business shall not cause injury to or adversely affect the amenity of the neighbourhood.*
8. *The crossover is designed, constructed (sealed) and drained at the applicants' cost to the satisfaction of the Shire prior to occupation.*
9. *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.*
10. *The home business hereby permitted shall not erect any advertising or signage at the site without the prior approval of the Shire.*
11. *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.*

**Advice**

- A. *This is not a Building Permit. A Building Permit must be obtained before any building works commence.*
- B. *In relation to Condition 9, the crossover performance bond will be returned to the applicant once the crossover has been constructed to the satisfaction of the Shire.*
- C. *In relation to Condition 10, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.*

**CARRIED (8/0)**

AGENDA NUMBER:	12.6
SUBJECT:	Development Application for a Carport Located in the Street Setback (R-Codes)
LOCATION/ADDRESS:	Lot 51 (No. 42) on DP98713 Dunnet Rd, Nannup
NAME OF APPLICANT:	Royston & Robyn Sinclair
FILE REFERENCE:	A1335
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 February 2018
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.6.1 – Location map 12.6.2 – Information from applicants 12.6.3 – Extract from <i>Local Planning Policy LPP013 Car Parking and Vehicular Access</i> 12.6.4 – <i>Residential Design Codes</i> checklist

**BACKGROUND:**

The Shire has received a Development Application from the owners, Royston & Robyn Sinclair, to construct a new carport located entirely within the street setback at Lot 51 (No. 42) Dunnet Road, Nannup.

The site, as shown in Attachment 12.6.1, is 1,116m<sup>2</sup> in area and currently contains a single dwelling at the front of the property. The applicants have submitted a separate Development Application for the operation of a home business (massage therapist/counsellor) which Council will consider separately in item 12.5.

Details submitted by the applicants are provided in Attachment 12.6.2. The carport is proposed to be located at the front of the existing dwelling, 1m from the front boundary and 1m from the southern boundary. There is an existing gravel driveway providing access to onsite car parking located towards the northern lot boundary.

The carport generally does not meet the deemed-to-comply requirements of the *Residential Design Codes (R-Codes)* which specify a conditional street setback of 3.75m for carports. The applicant is therefore requesting a reduced street setback to Dunnet Road.

The Shire administration wrote to six adjoining landowners on Dunnet Road, in conjunction with the associated Development Application for a home business, and made the application available for viewing at the Shire office. The Shire received no submissions on the Development Application.

Planning framework

The property is zoned “Residential R10/15” in LPS3. The R10 code applies to the property given the dwelling cannot be connected to the reticulated sewer system. It is subject to the requirements of both the R-Codes and LPS3.

The property is also located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner.

The proposed carport is considered an extension to the existing single dwelling. “Dwelling – Single Dwelling” is a “P” use in the Residential Zone as set out in the LPS3 Zoning Table, however Clause 8.2(b) of LPS3 requires a Development Application to be submitted 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.

*Local Planning Policy LPP013 Car Parking and Vehicular Access (LPP013)* applies to all developments including new development, alterations or extensions to existing development, new site uses, additional uses, extension of uses or change of uses as considered appropriate by the local government. An extract of LPP013 is shown in Attachment 12.6.3.

**COMMENT:**

Following an assessment of the Development Application against the planning framework and information provided by the applicant, the Shire administration considers that the application is not consistent with the R-Codes deemed-to-comply provisions or the R-Codes design principles.

The single dwelling on the property was constructed in 2001 and the original building plans showed that provision was to be made for two car parking spaces under the western end of the dwelling. The building plans also located the dwelling at the minimum street setback of 7.5m under the deemed-comply requirements of the R-Codes.

On completion of the dwelling, the front of the property was filled and a resident car parking area created between the dwelling and the northern boundary rather than locating the car parking spaces at the rear of the property as per the submitted plans.

The applicants have verbally advised that they do not wish to construct a carport over the existing parking area and, in their application, have indicated that they wish to build the carport in this location to support their intention to continue living at the premise into their retirement.

It is acknowledged that prior to the applicants submitting this Development Application they met with the Shire's Manager Infrastructure who verbally advised the applicants that they could install a second crossover to the property. The construction of a carport was not discussed at this time. While the applicants could have constructed a second crossover based on this advice when considered in a purely residential capacity, when associated with a carport and access for non-domestic purposes, the proposal introduces additional development considerations.

The location of the proposed carport has been assessed against the design principles contained in Clauses 5.1.2 and 5.2.1 of the R-Codes as shown in Attachment 12.6.4 and it is suggested that the proposed design:

- does not minimise the proportion of the building façade taken up by building services, vehicle entries and parking supply;
- does not positively contribute to the prevailing development context and Dunnet Road streetscape; and
- does not set back the carport from the property boundary to maintain clear sight lines along the Dunnet Road.

In assessing the location of the proposed carport and crossover, the existing fence along the front boundary must also be considered and assessed against Clause 5.2.5 of the R-Codes. Under the deemed-to-comply requirements, the fence would be required to be truncated or reduced to no higher than 0.75m within 1.5m of where the fence adjoins a vehicle access point where a driveway meets a public street.

The existing fence does not meet this requirement therefore it has been assessed for compliance against the design principles of the R-Codes and it is suggested that the fence:

- does not allow for unobstructed sight lines to be provided at the vehicle access point to ensure safety and visibility along Dunnet Road.

The Shire administration considers that the application has not demonstrated compliance with the design principles of the R-Codes and it is therefore recommended that Council refuse the Development Application.

**STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, State Planning Policy 3.1 Residential Design Codes and LPS3.*

**POLICY IMPLICATIONS:**

*Local Planning Policy LPP013 Car Parking and Vehicular Access 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:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

That Council refuse the Development Application to construct a carport entirely in the street setback at Lot 51 (No. 42) on DP98713 Dunnet Road, Nannup.

The reason for refusal is that the application does not demonstrate compliance with the design principles of Clauses 5.1.2, 5.2.1 and 5.2.5 of the *Residential Design Codes*, in particular:

- A. The carport does not minimise the proportion of the building façade taken up by building services, vehicle entries and parking supply;
- B. The carport and additional crossover do not positively contribute to the prevailing development context and Dunnet Road streetscape;
- C. The carport is not set back from the property boundary to maintain clear sight lines along Dunnet Road, particularly towards the nearby crest; and
- D. The existing fence does not allow for unobstructed sight lines to be provided at the vehicle access point to ensure safety and visibility along Dunnet Road.

Council encourages the applicant to re-apply once the issues noted above have been addressed.

**VOTING REQUIREMENTS:**

Simple Majority

**18040 MELLEMA/LONGMORE**

***That Council refuse the Development Application to construct a carport entirely in the street setback at Lot 51 (No. 42) on DP98713 Dunnet Road, Nannup.***

***The reason for refusal is that the application does not demonstrate compliance with the design principles of Clauses 5.1.2, 5.2.1 and 5.2.5 of the Residential Design Codes, in particular:***

- A. The carport does not minimise the proportion of the building façade taken up by building services, vehicle entries and parking supply;***
- B. The carport and additional crossover do not positively contribute to the prevailing development context and Dunnet Road streetscape;***
- C. The carport is not set back from the property boundary to maintain clear sight lines along Dunnet Road, particularly towards the nearby crest; and***
- D. The existing fence does not allow for unobstructed sight lines to be provided at the vehicle access point to ensure safety and visibility along Dunnet Road.***

***Council encourages the applicant to re-apply once the issues noted above have been addressed.***

**CARRIED (8/0)**

AGENDA NUMBER:	12.7
SUBJECT:	Nannup Police Comment and Request for Council Consideration for the Management of the Balingup – Nannup Road
LOCATION/ADDRESS:	Balingup – Nannup Road to Shire of Nannup Boundary
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FRC 07
AUTHOR:	Jonathan Jones – Manager Infrastructure
REPORTING OFFICER:	Jonathan Jones – Manager Infrastructure
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	12 February 2018
ATTACHMENT:	12.7.1 - Letters re: Nannup Police Comment on the Management of the Balingup – Nannup Road

**BACKGROUND:**

A letter dated 15<sup>th</sup> January 2018 was received by the Shire of Nannup from the Nannup Police Sergeant Simon Bickers for council consideration regarding the management of the Balingup – Nannup Road within the Shire of Nannup.

Concerns raised relate to the number and severity of accidents, speed zoning of the road and the lack of mandatory or enforceable speed limitations. It is the Sergeant's opinion that speed is a contributing factor in every accident occurring on the road.

The Police Sergeant has asked that efforts be made to impose a posted speed zone on the entire length of the road and has suggested a maximum of 80km/h.

**COMMENT:**

The Shire of Nannup is responsible for a section of Balingup – Nannup Road 19.48km in length with the road continuing on into the Shire of Donnybrook Balingup.

As the police sergeant has noted in his letter to the shire, Main Roads WA is the responsible authority for mandatory speed limits on roads. The current speed limit on the road is the state default speed limit of 110km/h with only a 60km/h speed zone at Balingup.

There are several warning signs for bends and curves along its length and school bus route signs in place. As part of the Blackspot upgrade work being carried out in the 2017/18 financial year, the Shire of Nannup is installing new arrowed chevron boards and replacing warning signs for bends and curves within the blackspot zone with

several road sections completed. This work is still in progress and expected to be completed by the end of February 2018.

Main Roads WA are in the process of reviewing mandatory speed limit zones along the length of Balingup – Nannup Road having asked the Manager Infrastructure for traffic counts to help assist with the process. This review is still in process and advise received is that Main Roads WA propose to install speed signs and speed zoning if found necessary and following the review.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council acknowledges the concerns raised by the OIC of the Nannup Police in respect to the spate of accidents on the Balingup – Nannup Road and the relation to speed as a contributing factor for the accidents and that Council endorses the actions of the Manager Infrastructure in referring this matter to Main Roads WA to review the speed limit zones on this road.

**VOTING REQUIREMENTS:**

Simple Majority

**18041 STEVENSON/BUCKLAND**

*That Council acknowledges the concerns raised by the OIC of the Nannup Police in respect to the spate of accidents on the Balingup – Nannup Road and the relation to speed as a contributing factor for the accidents and that Council endorses the actions of the Manager Infrastructure in referring this matter to Main Roads WA to review the speed limit zones on this road.*

**CARRIED (8/0)**

AGENDA NUMBER:	12.8
SUBJECT:	Nannup Main Street – Proposed Asphalt Seal by Main Roads WA
LOCATION/ADDRESS:	Shire of Nannup Main Street Intersection of Forest to Kearney Street
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Jonathan Jones – Manager Infrastructure
REPORTING OFFICER:	Jonathan Jones – Manager Infrastructure
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	12 February 2018
ATTACHMENT:	12.8.1 - Email 25 <sup>th</sup> January 2018 Lou Palandri Project Manager Development Main Roads WA

**BACKGROUND:**

In June of 2017 the Manager Infrastructure met with Mr Lou Palandri, Project Manager Development for Main Roads WA, at Nannup to discuss the completion of the Main Street Upgrade Project Stage 2 and the proposed Stage 3 portion to be carried out in the 2017/18 financial year.

During this meeting which was conducted on-site it was recognised by Mr Palandri that the Main Street road surface was suffering severe deterioration and it was determined that remediation work would need to be carried out by Main Roads WA.

The Manager Infrastructure recently attended a meeting with Mr Palandri at his Bunbury office to further discuss the Main Street Stage 3 Upgrade. It was at this meeting that Mr Palandri raised the condition of the Main Street road surface and alerted the Manager Infrastructure that Main Roads WA propose to carry out resurfacing of the road next summer in the 2018/19 financial year and a contribution from the Shire of Nannup would be sought.

**COMMENT:**

Main Roads WA has advised that it proposes to resurface (asphalt) the main street of Nannup from Forrest Street to Kearney Street next summer in the 2018/19 financial year. The section between Adam Street and Kearney Street is currently a chip seal, however Main Roads is prepared to consider and include this section in the upgrade to asphalt. The T Junction of Kearney Street with the Main Street would also be included.

The proposal is to mill out the existing asphalt, apply a “Strain Alleviating Membrane Interlayer” (SAMI) Chip Seal, then lay a 40mm thick layer of 14mm dense graded asphalt with A15E polymer modified binder (PMB). The purpose of a SAMI treatment is

to resist reflective cracking through the overlaying asphalt surface and improve water proofing.

Main Roads WA has advised the standard approach is for the affected Local Government to pay for the area outside of 1.5 metres from the edge of the through lane.

Main Roads WA has provided cost estimation for Councils contribution for both the Forrest Street to Adam Street and Adam to Kearney Street and should council contribute to this project it will be at an estimated cost of \$30,000 and \$38,500 respectively.

Main Roads WA has advised these costs are preliminary at this stage and more detailed costs would be provided closer to the time of the works.

Main Roads WA asked the Manager Infrastructure if the Shire of Nannup would agree to a contribution toward the works. The Manager Infrastructure advised he would advise the Shire of Nannup Council of the proposed works and would include the amount required for consideration in Councils 2018/2019 financial year budget deliberations.

Main Roads WA advised that should Council not contribute; they would most likely carry out the works regardless but not include the area outside of 1.5 metres from the edge of the through lane.

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Main Roads WA has provided a cost estimation for Councils contribution for both the Forrest Street to Adam Street and Adam to Kearney Street of \$30,000 and \$38,500 respectively.

**STRATEGIC IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council refers the request by Main Roads WA for a financial contribution to the asphalt sealing of Nannup Main Street to its 2018/19 financial year budget deliberations.

**VOTING REQUIREMENTS:**

Simple Majority

**18042 MELLEMA/STEVENSON**

***That Council refers the request by Main Roads WA for a financial contribution to the asphalt sealing of Nannup Main Street to its 2018/19 financial year budget deliberations.***

**CARRIED (8/0)**

AGENDA NUMBER:	12.9
SUBJECT:	Proposed Additions To Various State Forests
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Jonathan Jones – Manager Infrastructure
REPORTING OFFICER:	Jonathan Jones – Manager Infrastructure
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	12 February 2018
ATTACHMENT:	12.9.1 - Letters re: Proposed Additions to Various State Forests 12.9.2 - Summary of Proposed Additions to Various State Forests 12.9.3 - Maps – Proposed Addition to State Forest No. 36 and Proposed Addition to State Forest No. 57

**BACKGROUND:**

The Department of Biodiversity, Conservation and Attractions has written to the Shire of Nannup asking for their comment on the proposed addition of areas of unallocated Crown land to State Forests to rationalise boundaries of State forest.

**COMMENT:**

Two areas located in the Warren Region within the Shire of Nannup are

- Addition of closed road (Lot 326 ON Deposited Plan 58778) to State Forest No. 36
- Portions of closed tramway and UCL are proposed to be added to State Forest No. 57 to rationalise management boundaries.

The closed road Lot 326 is not a shire owned public road, is surrounded by state forest and is currently closed to the public.

The UCL or tramway is not shire owned and is inaccessible to the public.

Once comments are received the Department will request the approval of the Conservation and Parks Commission and then the support of the Minister for Environment to ensure the consideration of the proposal.



**STATUTORY ENVIRONMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council advises the Department of Biodiversity, Conservation and Attractions that it has no objections to the proposed addition of the indicated areas of unallocated Crown land to State Forests within the Shire of Nannup in order that the Department can rationalise its State Forest boundaries.

**VOTING REQUIREMENTS:**

Simple Majority.

**18043 HANSEN/STEER**

*That Council advises the Department of Biodiversity, Conservation and Attractions that it has no objections to the proposed addition of the indicated areas of unallocated Crown land to State Forests within the Shire of Nannup in order that the Department can rationalise its State Forest boundaries.*

**CARRIED (8/0)**

AGENDA NUMBER:	12.10
SUBJECT:	Budget Monitoring – January 2018
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	13 February 2018
ATTACHMENTS:	12.10.1 - Financial Statements for the period ending 31 January 2018

**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 12.10.1.

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

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

**COMMENT:**

Please refer to the attachment, Financial Statements for period(s) ending 31 January 2018 for a detailed analysis of our end of year position, 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:**

That the Monthly Financial Statements for the period ending 31 January 2018 be received.

**VOTING REQUIREMENTS:**

Simple Majority.

**18044 STEVENSON/MELLEMA**

*That the Monthly Financial Statements for the period ending 31 January 2018 be received.*

**CARRIED (8/0)**

AGENDA NUMBER:	12.11
SUBJECT:	Monthly Accounts for Payment - January 2018
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	13 February 2018
ATTACHMENTS:	12.11.1 - Accounts for Payment – January 2018 12.11.2 – Credit Card Transactions – January 2018

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 January 2018 to 31 January 2018 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	10156 – 10261	293,051.50
Accounts paid by cheque	20246 – 20252	2,786.04
Accounts paid by Direct Debit	DD10046.1 – DD10054.10	47,240.07
<i>Sub Total Municipal Account</i>		<u>\$343,077.61</u>

**Trust Account**

Accounts paid by EFT	10196 - 10197	1,880.55
Accounts Paid by cheque		0.00
<i>Sub Total Trust Account</i>		<u>\$1,880.55</u>
<b>Total Payments</b>		<u><b>\$344,958.16</b></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 \$344,958.16 1 January 2018 to 31 January 2018 in the attached schedule be endorsed.

**VOTING REQUIREMENTS:**

Simple Majority.

**18045 STEVENSON/LONGMORE**

***That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$344,958.16 1 January 2018 to 31 January 2018 in the attached schedule be endorsed.***

**CARRIED (8/0)**

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

**13.1 OFFICERS**  
Nil

**13.2 ELECTED MEMBERS**  
Nil

**14. MEETING CLOSED TO THE PUBLIC**

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

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

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

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

**17. CLOSURE OF MEETING**

**18.**

There being no further business to discuss the Shire President declared the meeting closed at 6.21pm