



Shire of  
**Nannup**  
rest • connect • grow

# Minutes

Council Meeting held Thursday 26 April 2018

**Public Copy**

**Unconfirmed**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Nannup must obtain, and should only rely on, written notice of the Shire of Nannup's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of Nannup on the operation of a written law, or the performance of a function by the Shire of Nannup, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire of Nannup. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Nannup should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.

# Contents

<b>Item</b>	<b>Minute</b>	<b>Title</b>	<b>Page</b>
<b>1</b>		<b>Declaration of Opening</b>	<b>1</b>
<b>2</b>		<b>Record of Attendance/Apologies/Leave of Absence/Visitors (Previously Approved)</b>	<b>1</b>
<b>3</b>		<b>Response to Previous Public Questions Taken on Notice</b>	<b>1</b>
<b>4</b>		<b>Public Question Time</b>	<b>1</b>
<b>5</b>		<b>Application for Leave of Absence</b>	<b>3</b>
<b>6</b>		<b>Petitions/Deputations/Presentations</b>	<b>3</b>
<b>7</b>		<b>Declarations of Interest</b>	<b>4</b>
<b>8</b>		<b>Confirmation of Minutes of Previous Meetings</b>	<b>4</b>
	18063	Confirmation of Previous Council Meeting Minutes	
<b>9</b>		<b>Minutes Of Council Committees</b>	<b>4</b>
<b>10</b>		<b>Announcements By Presiding Member Without Discussion</b>	<b>4</b>
<b>11</b>		<b>Reports By Members Attending Committees</b>	<b>4</b>
<b>12</b>		<b>Reports of Officers</b>	
	18064	Procedural Motion	5
	18065	Procedural Motion	5
12.1	18066	Development Application for a Change of Use from a Single Dwelling to a Chalet	5
12.2	18067	Licensing Agreement – Department of Transport	16
12.3	18068	Declared Pest Rate Survey	20
12.4	18069	Budget Monitoring – February and March 2018	24
12.5	18070	Monthly Accounts for Payment - March 2018	26

<b>13</b>		<b>New Business Of An Urgent Nature Introduced By Decision Of Meeting</b>	<b>28</b>
13.1			
13.2			
<b>14</b>		<b>Meeting Closed To The Public</b>	<b>28</b>
	18071	Procedural Motion	28
	18072	Procedural Motion	28
14.1	18073	Self-Supporting Loan Application	29
	18074	Procedural Motion	29
	18075	Procedural Motion	29
<b>15</b>		<b>Elected Members Motions Of Which Previous Notice Has Been Given</b>	<b>30</b>
<b>16</b>		<b>Question By Members Of Which Due Notice Has Been Given</b>	<b>30</b>
<b>17</b>		<b>Closure Of Meeting</b>	<b>30</b>

# Minutes

## 1. DECLARATION OF OPENING

The Deputy Shire President declared the meeting open at 4.30pm.

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

### ATTENDANCE:

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

David Taylor – Chief Executive Officer  
Tracie Bishop – Manager Corporate Services  
Jon Jones – Manager Infrastructure

### APOLOGIES:

Cr Dean

### LEAVE OF ABSENCE:

Nil

**VISITORS:** Phaedra Watts, Felicity Dear, Trevor Larke, Rita Stallard, Carol Pinkerton, Carole Patch, Rob Taylor, Lynne Guerini, Julie Kay, Mike Piper, Di Piper, Maggie Longmore, Mark Wyncoll and Len Gilchrist.

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

Nil

## 4. PUBLIC QUESTION TIME

**Len Gilchrist – 35 Blackwood River Drive**

- Q 1** Is it true that the music club purchased a private property in Nannup?  
What was the purchase price?  
Was there a business plan provided to the Council?  
If yes; then will the Council be continuing to provide handouts in cash or in kind as in previous years?  
If the music club do not pay the repayments for the house to the Shire; will the rates go up if the Council has no money as a result?

Mr Gilchrist then requested that the Manager Corporate Services read aloud a letter he had brought to the meeting.

- A 1** Deputy Shire President advised that Mr Gilchrist's questions in regard to the Nannup Music Club Inc. will be taken on notice as they were unable to answer questions pertaining to the Confidential Item 14.1.

Deputy Shire President advised Mr Gilchrist that his request to read a letter aloud in Ordinary Council Meeting was not an appropriate process for a Council meeting.

**Trevor Larke – 212 Johnston Road – Nannup Garden Village Inc.**

- Q1.** I am here today representing the Nannup Garden Village Inc. I wish to speak about the cleaning of toilets and the cost there of.  
I'd like to bring the Shire's attention that the money paid to the Shire has increased from \$855 in 2014 to \$2,184 in 2017; this represents a 52% increase in costs. We haven't been given a break down in these costs so we are not sure how these have come about.  
We are suffering from costs ourselves; it is costing around \$80000-\$90000 to put this event on. In 2014 our grant from the Shire increased from \$4,000 to \$6,000; and now it seems that over half of that has gone back to the Shire in fees & charges. We operate on a budget of \$80000-\$90000. With grants from elsewhere being cut or becoming harder to get we are under serious financial pressure. We cannot operate with unknown future costs so would appreciate a forward estimate or a quote in the future.  
As a volunteer organisation a lot of hours are put into "making" the event; one that brings over 8000 people into the town – with an estimated spend of around \$300,000-\$400,000 which is been injected into the local economy. It would be a shame if this event folded and it is incumbent upon us all to do our very best that it doesn't. We would appreciate that your thoughts and response to our concerns; and on behalf of the committee I thank you for allowing me the time to speak. We would however; appreciate in future a reply to our correspondence we have forwarded to you. One letter was sent on the 8 February 2018 which we have had no response to and the other one just recently. Thank you for your time.

- A 1** Deputy Shire President advised Mr Larke that his question would be taken on notice and a written response provided in due course.

**Rita Stallard – East Nannup Road**

- Q 1** Deputy President would you please thank the outdoor staff for the work they have done on East Nannup Road. It stops a lot of snakes and fire hazards; thank you very much.

**A 1** Manager Infrastructure advised Ms Stallard that he would pass her comments on to the outdoor staff.

**Q 2** In regard to the biosecurity group - there are 39 missing notices. Can you please explain the missing notices? I have put this information in a letter to the Council and asked that it be bought up at the meeting but I see it is not in the Agenda for today's meeting. Can you please explain the missing notices?

I have also not received any information in the mail as to how they are going to proceed with the proposed DPR.

I feel that this is a massively flawed process.

**A 2** Deputy Shire President passed the question on to the Manager Corporate Services who clarified with Mrs Stallard the notices she was referring to.

The notices Mrs Stallard referred to are the notices published by the Blackwood Biosecurity Group Inc.; advertising the three public meetings facilitated by the group in March 2018.

The Manager Corporate Services advised she has no knowledge of where the notices were sent as they were sent by the Blackwood Biosecurity Group Inc.

The Manager Corporate Services also advised she did not know where the mail out was as the Blackwood Biosecurity Group Inc. was to disseminate this information.

**5. APPLICATION FOR LEAVE OF ABSENCE:**

Nil

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

**Nannup Music Club – Phaedra Watts**

I am representing the Nannup Music Club today and just want to give a little bit of background in regard to the Confidential Item on today's Agenda. Basically there has been massive growth in the music club over recent years.

Putting more of our finances into our assets will help the Music Club to build a sustainable future. We have put in an offer on a house subject to finance; and we are hoping that this will go through and we are hoping that there will be community support. We want the community to understand that there will be no cost to the community; we will incur all costs and fees.

Nannup Music Festival operates purely for the community of Nannup. I think the next step is really clear – we need to move towards making ourselves sustainable. By purchasing our own building we feel that a building is freed up in the community for further enterprise.

I just wanted to clarify these points for the community.

Cr Longmore left the room at 4:43pm.

Cr Longmore returned to the room at 4:48pm.

## 7. DECLARATIONS OF INTEREST

The Deputy Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Cr Longmore has declared an Impartiality Interest in Item 14.1 as he is a Lifetime Member of the Nannup Music Club Inc.

Cr Fraser has declared a Proximity Interest in Item 12.1 (Development Application for a Change of Use from a Single Dwelling to a Chalet) as she has an adjoining property.

## 8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

### 8.1 18063 HANSEN/STEER

*That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 22 March 2018 be confirmed as a true and correct record.*

**CARRIED (7/0)**

## 9. MINUTES OF COUNCIL COMMITTEES

Nil

## 10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

## 11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
3/4/18	Warren Blackwood Alliance of Councils	Longmore
5/4/18 & 26/4/18	Budget Workshop	Longmore, Fraser, Hansen, Buckland
5/4/18	LTO Info Session	Longmore
12/4/18	BIG N	Buckland

Deputy Shire President read out the Declaration of Interest Form from Cr Fraser. Discussion and voting then followed regarding her Proximity Interest.

**18064 LONGMORE/BUCKLAND**

***That Cr Fraser be allowed to remain in the room whilst discussion regarding Agenda Item 12.1 occur.***

***CARRIED BY ABSOLUTE MAJORITY (6/0)***

**18065 STEER/HANSEN**

***That Cr Fraser be allowed to participate in discussion and the voting process for Item 12.1.***

***CARRIED BY ABSOLUTE MAJORITY (6/0)***

AGENDA NUMBER:	12.1
SUBJECT:	Development Application for a Change of Use from a Single Dwelling to a Chalet
LOCATION/ADDRESS:	Lot 21 (106) on D91946 McKittrick Road, Carlotta
NAME OF APPLICANT:	John & Linda Stanley
FILE REFERENCE:	A575
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 April 2018
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – Location map 12.1.2 – Original information from applicant 12.1.3 – Submissions 12.1.4 – Response from applicant 12.1.5 – Bushfire Management Plan & Bushfire Emergency Evacuation Plan 12.1.6 – Local Planning Policy LPP012 Tourist Accommodation in Rural Areas

**BACKGROUND:**

The Shire has received a Development Application from the owners of Lot 21 (106) McKittrick Road, Carlotta for the change of use of an existing single dwelling to a single chalet.

The site as shown in Attachment 12.1.1 is located on McKittrick Road approximately 1 kilometre from the intersection with Chalwell Road. The site is 28.3 hectares in area and contains two dwellings, a processing shed and workshop, an old shearing shed and a stock shed.

Details of the proposal as provided by the applicant are shown in Attachment 12.1.2. In summary, the applicant proposes to convert the original single dwelling, currently vacant, into a chalet accommodating a maximum of eight persons for short term accommodation.

The property owners have recently constructed a new single dwelling on the property, to the south of the original dwelling, as their own permanent accommodation.

### Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to 6 adjoining/nearby landowners, the Carlotta Volunteer Bushfire Brigade, the Department of Fire and Emergency Services and the Department of Primary Industries and Regional Development.

The Shire received 5 submissions on the Development Application as outlined in Attachment 12.1.3.

One submitter raised no objections to the proposed development and one raised no objections provided the applicant could demonstrate that guests would remain on the property and not enter adjoining properties.

Two submitters objected to the proposed development primarily for economic and environmental reasons. One of these submitters also raised concerns over how the increased number of people visiting the property might impact on their amenity. It should be noted that one of these submissions has incorrectly stated that the applicants are converting an existing farm outbuilding to a chalet which is not the case.

In response to these submissions, the applicant has provided a letter addressing the concerns which is set out in Attachment 12.1.4.

The submission from the Department of Fire and Emergency Services identified a number of recommended changes to the Bushfire Management Plan(BMP) and Bushfire Emergency Evacuation Plan(BEEP) which have been referred back to the applicant for modification. The original BMP and BEEP as provided by the applicants are set out in Attachment 12.1.5 with the modified versions to be provided to the Shire once completed.

### 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 located 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 entirely within a designated bushfire prone area. The only vehicular access to the property is via McKittrick Road, a 1km long gravel cul-de-sac, with Lot 121 situated at the end of the road.

The area surrounding the proposed chalet has previously been assessed as having a Bushfire Attack Level rating of BAL-12.5. *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7) states in Section 6.6.1 that in areas where BAL-12.5 to BAL-29 applies:

“Subdivision and development applications for vulnerable or high-risk land uses in areas between BAL-12.5 to BAL-29 will not be supported unless they are accompanied by a Bushfire Management Plan jointly endorsed by the relevant local government and the State authority for emergency services...Development applications should include an emergency evacuation plan for proposed occupants and/or a risk management plan for any flammable on-site hazards.”

The *Guidelines for Planning in Bushfire Prone Areas* determine that typically, vulnerable land uses are those where persons may be less able to respond in a bushfire emergency. Those uses include “short stay accommodation or visitation uses that involve people who are unaware of their surroundings and who may require assistance or direction in the event of a bushfire, such as bed and breakfast, caravan park and camping ground, holiday house, holiday accommodation, home business, serviced (short stay) apartment, tourist development and workers’ accommodation”.

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

- A45) 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
- A46) 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* (LPP012) has the objectives:

To minimise conflict between rural and non-rural landowners.

1. 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.
2. To establish suitable guidelines and controls for tourist accommodation outlining minimal infrastructure standards required by the local government for development approval to be granted.
3. 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 12.1.6.

**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.

Both the proposed chalet and the newer dwelling at Lot 121 McKittrick Road were constructed prior to the introduction of SPP3.7 and the associated bushfire planning requirements. The proposed chalet was also constructed prior to the introduction of the Shire of Nannup Local Planning Policy *LPP21 Bushfire Management*.

While the proposed development is fully contained within an existing dwelling, the occupation by potentially eight persons is considered to be at a scale that is not consistent with that of a typical residential dwelling. There is significant risk to guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area.

The applicant has implemented an appropriate BMP and BEEP for the property, both of which have been produced by an accredited Level 3 Bushfire Planning Practitioner and endorsed by the Shire of Nannup Community Emergency Services Manager and the Department of Fire and Emergency Services (subject to modifications).

The Shire administration considers that the applicant has suitably addressed the concerns raised by submitters and has already taken steps to minimise any impact on the neighbouring properties. The submission from the Department of Primary Industries and Regional Development also highlights that the proposed chalet is buffered from the surrounding properties.

It should be noted that two of the submissions raised matters that are outside the scope of this Development Application and the planning system in general. The Department of Planning, Lands and Heritage publication *Development Assessment Panel Practice notes: Making Good Planning Decisions* states “the threat of competition to existing businesses is not a relevant planning consideration. It only becomes a relevant planning consideration if there is a prospect that there will be a reduction in the facilities available to the community.”

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

- it is consistent overall with the planning framework;
- the proposed chalet will complement the property owners’ working chestnut farm;
- it supports diversifying the local economy and supports tourism;
- the chalet is well setback from off-site agricultural operations;
- the chalet is approximately 250 metres from the nearest property boundary and approximately 550 metres from the nearest residence (95 McKittrick Road);
- no clearing of native vegetation is proposed;
- there are expected to be minimal environmental impacts;
- there are no objections from other Shire officers/units;
- comprehensive Bushfire Management and Bushfire Emergency Evacuation Plans are in place for the property; and
- development conditions can assist to control the use and management of the development.

#### **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, State Planning Policy 3.7 Planning in Bushfire Prone Areas, Local Planning Strategy 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 121 on Diagram 91946 (No. 106) McKittrick Road, Carlotta, 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.
4. No more than 8 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 in:
  - (i) any storey containing bedrooms –
    - a. between each part of the dwelling containing bedrooms and the remainder of the dwelling; and
    - b. where bedrooms are served by a hallway, in that hallway; and
  - (ii) any other storey not containing bedrooms, even if those storeys consist only of car parking, bathrooms, laundries and the like.
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. A Bushfire Management Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to occupation of the chalet. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
9. A Bushfire Emergency Evacuation Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to occupation of the chalet. Following this, measures in the approved Bushfire Emergency Evacuation 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.
11. The applicant shall not erect any advertising or signage at the site without the prior approval of the Shire.

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 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.
- C) In relation to Conditions 7 and 8, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- 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) 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*.
- G) A low fuel area should be permanently maintained around the chalet at all times.
- H) In relation to Condition 11, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- 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.

#### **18066 LONGMORE/STEER**

***That Council approve the Development Application for a change of use from a single dwelling to a chalet on Lot 121 on Diagram 91946 (No. 106) McKittrick Road, Carlotta, 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.*
  - 4. No more than 8 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 in:*
    - (i) any storey containing bedrooms –*
      - a. between each part of the dwelling containing bedrooms and the remainder of the dwelling; and*
      - b. where bedrooms are served by a hallway, in that hallway; and*
    - (ii) any other storey not containing bedrooms, even if those storeys consist only of car parking, bathrooms, laundries and the like.*
  - 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. A Bushfire Management Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to occupation of the chalet. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.*
  - 9. A Bushfire Emergency Evacuation Plan is to be approved by the local government and the Department of Fire and Emergency Services and then implemented prior to occupation of the chalet. Following this, measures in the approved Bushfire Emergency Evacuation 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.*

**11. The applicant shall not erect any advertising or signage at the site without the prior approval of the Shire.**

**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 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.**
- C) In relation to Conditions 7 and 8, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.**
- 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) 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.**
- G) A low fuel area should be permanently maintained around the chalet at all times.**

- H) In relation to Condition 11, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.**
- 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.**

**CARRIED (7/0)**

AGENDA NUMBER:	12.2
SUBJECT:	Licensing Agreement – Department of Transport
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Department of Transport
FILE REFERENCE:	DEP 26
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCE:	
DATE OF REPORT:	19 April 2018
ATTACHMENTS:	12.2.1 – Agreement for the Provision of Non Road Law Functions in Shire of Nannup 12.2.2 – Agreement for the Provision of Licensing Services in Shire of Nannup In Terms of Section 11 of The Road Traffic (Administration) Act 2008

**BACKGROUND:**

From 1 January 2008 under the provisions of the Road Traffic Act 1974, the (then) Director General of the Department of Planning and Infrastructure entered into agreements with 71 Local Governments in regional and remote areas to provide licensing services prescribed in the Road Traffic Act 1974. This agreement expired on 31 December 2017.

The Department of Transport now seeks to have those same Local Governments continue to provide licensing services and has granted a five-month extension for the expired agreement to the end of May 2018 for the Shire of Nannup.

The Department of Transport has provided and invited the affected Local Governments to sign replacement agreements so they can continue to provide licensing services. The replacement agreements are for a three year or five-year term. The different terms of the agreements are based on transaction volumes.

**COMMENT:**

The original 10-year agreement was a singular document. The Department advises that a restructure of the Road Traffic Act 1974 has necessitated that two replacement agreements be offered to Local Governments:

1. A main agreement known as the Road Law Agreement. This agreement covers driver and vehicle licensing transactions under legislation that includes the Road Traffic (Authorisation to Drive) Act 2008 and Road Traffic Act 1974.
2. A subsidiary agreement known as the Non-Road Law Agreement.

This agreement covers transactions under legislation that includes the licensing of vessels (WA Marine Act 1982), photo cards (WA Photo Card Act 2014), motor vehicle driving instructor fees (Motor Vehicles Drivers Instructors Act 1963), and licensing and renewal of licenses for off road vehicles (Control of Vehicles (Off Road Areas) Act 1978).

The two replacement agreements contain no services additional to those in the expired agreement.

### **Three year or five year replacement agreements**

In line with community demands the Department is actively seeking to shift transaction processing to on-line methods. A number of transactions can now be processed and/or paid via on-line modes. Over the coming years the Department plans to implement additional on-line transactions and other initiatives such as e-billing and direct debits that will accelerate the shift from face-to-face processing to on-line processing. These initiatives will have consequences for Local Government as simple transactions will move on-line leaving more complex and time consuming transactions to be processed face-to-face.

Currently, sixty three percent (63%) of the Department's payments are processed online (representing 4.6 million payments) compared with 46% in 2013-2014 (3.4 million transactions).

Transactions processed at Local Governments have fallen 12% since 2011-2012 with a significant portion of the reduction occurring in the last two years. The reduction is due to the shift to on-line payment processing; changed economic conditions; and a move by the WA Police Force to process firearm transactions on-line through its website.

Local Governments were offered replacement agreements for terms of either three or five years. The terms were determined by the Department changing its business practices and processes, the general shift to on-line processing, external factors including current economic conditions, and face-to-face transaction volumes. These factors combined could create situations in the future where it is uneconomical for a Local Government to continue providing the services; therefore, the Department considered a ten-year agreement term too long to afford sufficient flexibility for effective management by both parties.

Shorter agreement terms will allow for regular review of the economic viability and service quality. As a consequence:

- Three year terms were offered to Local Governments with low transaction volumes located in close proximity (less than 50 kilometres) to other Local Governments providing the services.
- Five year terms were offered to Local Governments with higher transaction volumes; and Local Governments in remote areas.

## **Fees and costs**

The fees and costs incurred by Driver and Vehicle Services (Department of Transport) are reflected in the fees and charges to customers. The Department advised it has an obligation to promote and support lower cost delivery methods because supporting more expensive service delivery methods comes at a cost to customers.

The Department acknowledged that feedback from the June 2017 survey of CEOs indicated commission payments do not fully meet the costs incurred by their Local Governments to provide licensing services. Contributing factors included increased merchant fees, increasing volume of complex transactions, and processing variations of the same transaction requiring additional time investment by staff.

According to the Department, the expired agreement provided for an increase in commission values paid to Local Governments based on CPI increases and became effective from 1 July each year. The replacement agreements continue this practice.

The Department has scheduled a commission increase of 3% effective from 1 January 2018. The cost is expected to be offset by falling transaction volumes. The Department also made a decision to provide additional funding to support Local Governments processing higher volumes of transactions above 3,000 per annum (12 per work day).

The new agreement offered to the Shire of Nannup is for a three (3) year term. Fees and charges are standard as offered to all affected local governments. Given the number of transactions that occur over the administration counter for this Council, the change in fee structure is not expected to be material to overall income per annum.

Officer recommendation is that this contract, although face value shows expenses for provision of service are slightly higher than actual revenue received, should be considered. The reality is that without this service, community members, who do not have readily assessable internet access would struggle with the transactions required to hold a drivers' licence, complete registration of vehicles etc. Therefore, the recommendation is that the Chief Executive Officer sign off on this agreement for the three-year period.

## **STATUTORY ENVIRONMENT:**

Nil

## **POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Slight reduction in income from commission from Department of Transport, actual amounts not able to be identified at this point in time however considered to be non-material to overall income.

**STRATEGIC IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That Council agrees to the new terms and conditions within the two agreements for provision of Licensing and Non Road Law functions within the Shire of Nannup and authorises the Chief Executive Officer to sign this agreement on behalf of the Shire of Nannup for the three year period.

**VOTING REQUIREMENTS:**

Simple Majority

**18067 HANSEN/BUCKLAND**

***That Council agrees to the new terms and conditions within the two agreements for provision of Licensing and Non Road Law functions within the Shire of Nannup and authorises the Chief Executive Officer to sign this agreement on behalf of the Shire of Nannup for the three year period.***

**CARRIED (7/0)**

AGENDA NUMBER:	12.3
SUBJECT:	Declared Pest Rate Survey
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	DEP 33
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCE:	22 March 2018
DATE OF REPORT:	19 April 2018
ATTACHMENTS:	12.3.1 - Letter included in Mailout

**BACKGROUND:**

The Blackwood Biosecurity Inc (BBI), is recognised under the Biosecurity and Agriculture Management Act 2007(*BAM Act*) by the Minister for Regional Development, Agriculture and Food (the Minister) as a Recognised Biosecurity Group. As such this group is entitled to apply to the Minister each year to impose a rate on land within the district for the purpose of declared pest management. This is known as a Declared Pest Rate (DPR). For the 2018/19 Financial Year the BBI are intending to make this application to the Minister which could see a flat rate of \$40 per Gross Rental Value or a \$50 per Unimproved Value imposed on the ratepayers of Nannup. This would result in revenue received from the Shire of Nannup:

GRV Ratepayers – 716 properties	\$ 28,640
UV Ratepayers – 411 properties	\$ 20,550
Total Contribution from Nannup ratepayers	\$49,190

Council became concerned with the lack of public consultation that appeared to have been undertaken by the BBI in regards to this levy within the Shire of Nannup. This concern was also highlighted by community members, some of which presented to Council at the March 2018 meeting. As a result, at the 22 March 2018 Ordinary Meeting of Council, Councillors endorsed the following:

**PROPOSED DECLARED PEST RATE INTRODUCTION**

**18058 HANSEN/STEVENSON**

- 1. That the CEO, in consultation with Council write to the Minister of Agriculture, the Hon. Alannah MacTieran MLC voicing Council's concerns as to the way in which the Community Consultation Process has been completed in the lead up to this proposed Declared Pest Rate introduction into the Shire of Nannup.***

2. ***That the CEO, in consultation with Council, prepare a letter to be sent to all ratepayers within the Shire of Nannup that seeks Ratepayers feedback as to what their individual appetite is towards the proposed introduction of a Declared Pest Rate for the 2018/19 financial year.***
3. ***That once the responses have been collated from the community feedback these responses form the basis on which Council either supports/does not support the introduction of this Declared Pest Rate.***
4. ***That the decision as to whether or not the Rate Book for the Shire of Nannup is given to the Department of Agriculture be based around the results of the Community Consultation and that, until authorised to do so, the CEO will not hand these records to the Department of Agriculture.***

**CARRIED (8/0)**

This endorsement by Council resulted in both a letter being sent to the Minister outlining Council's concerns and a mail out/survey being sent to all ratepayers from the Shire of Nannup. This mailout/survey was sent singularly, in that if one individual owned more than one property they would not receive multiple mailouts/surveys and so sway the results of the survey. A copy of the actual letter sent is attached to this item. Ratepayers were given a two week time period in which to respond to the survey with a closing date of 16 April 2018 being set as the last day responses would be collected.

In terms of community participation of this survey the following is noted:

- 1,010 letters were sent to ratepayers
- From this Council received responses from 459 ratepayers.
  - This represents a 45.45% participation rate.
- From these responses 74% voted that they did not support a DPR being introduced and 26% supported the introduction.

#### **COMMENT:**

The BBI, have stated within the community consultation that was completed within the Shire of Nannup that should a local government community not wish to participate and contribute towards the DPR then that local government would be excluded from mitigation works until such time as they began to contribute. It is suggested that the response received would indicate that this action needs to be enacted and the Shire of Nannup be excluded from the mitigation works the group were planning.

It is clear from the result of this survey that the majority of ratepayers who participated within this survey are not in favour of the introduction of a Declared Pest Rate within the Shire of Nannup. As per the recommendation from the March 2018 meeting the survey responses were intended to be used to make a decision as to whether Council supply the ratebook to the Department of Agriculture for implementation of this levy. Council now needs to decide if this intent is still relevant and if that, based on the survey results received, that the ratebook not be supplied to the Department of Agriculture. It was also indicated in the recommendation from March 2018 that a letter would be sent to the Minister's office outlining results received.

**STATUTORY ENVIRONMENT:**

Biosecurity and Agriculture Management Act 2007

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil to Council, \$49,190 to ratepayers collectively.

**STRATEGIC IMPLICATIONS:**

Community Strategic Plan/Our Community Leadership

5.1 *To listen and partner with our community leaders and all out diverse groups.*

**RECOMMENDATION:**

That Council, as a result of responses received from ratepayers, follow through with the actions below:

1. Write to the Minister for Regional Development, Agriculture and Food, the Hon. Alannah MacTienan advising that the ratepayers within the Shire of Nannup do not wish to be included within the mitigation program planned by the Blackwood Biosecurity Inc.
2. Write to the Blackwood Biosecurity Inc. advising same.
3. Publish the results of the survey within the local newspaper and post on the Shire of Nannup website alerting ratepayers to the outcome of the survey.

Cr Longmore left the room at 5:02pm.

Cr Longmore return to the room at 5:05pm.

**VOTING REQUIREMENTS:**

Simple Majority

Cr Stevenson foreshadowed a change to the wording of the recommendation. Cr Stevenson proposed that the recommendation first point be:

1. Write to the Minister for Regional Development, Agriculture and Food, the Hon. Alannah MacTienan advising that the majority of ratepayers who responded to the survey within the Shire of Nannup do not wish to be included within the mitigation program planned by the Blackwood Biosecurity Inc.

**18068 STEVENSON/LONGMORE**

*That Council, as a result of responses received from ratepayers, follow through with the actions below:*

1. *Write to the Minister for Regional Development, Agriculture and Food, the Hon. Alannah MacTienan advising that the majority of ratepayers who responded to the survey within the Shire of Nannup do not wish to be included within the mitigation program planned by the Blackwood Biosecurity Inc.*
2. *Write to the Blackwood Biosecurity Inc. advising same.*
3. *Publish the results of the survey within the local newspaper and post on the Shire of Nannup website alerting ratepayers to the outcome of the survey.*

**CARRIED (7/0)**

AGENDA NUMBER:	12.4
SUBJECT:	Budget Monitoring – February and March 2018
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	16 April 2018
ATTACHMENTS:	12.4.1 – Financial Statements for the period ending 28 February 2018 12.4.2 – Financial Statements for the period ending 31 March 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 12.4.1 and 12.4.2.

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

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

**COMMENT:**

Please refer to the attachment, Financial Statements for period(s) ending 28 February 2018 and 31 March 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:**

Monthly Financial Statements for the period ending 28 February 2018 and 31 March 2018 be received.

**VOTING REQUIREMENTS:**

Simple Majority.

**18069 STEVENSON/STEER**

***Monthly Financial Statements for the period ending 28 February 2018 and 31 March 2018 be received.***

***CARRIED (7/0)***

**Shire of Nannup  
Ordinary Council Meeting Minutes: 26 April 2018**

---

AGENDA NUMBER:	12.5
SUBJECT:	Monthly Accounts for Payment - March 2018
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	16 April 2018
ATTACHMENTS:	12.5.1 – Accounts for Payment – March 2018

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 March 2018 to 31 March 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	10367 – 10418	105,625.55
Accounts paid by cheque	20262 – 20264	987.00
Accounts paid by Direct Debit	DD10084.1 – DD10089.10	40,737.21
<i>Sub Total Municipal Account</i>		<b>\$147,349.76</b>

**Trust Account**

Accounts paid by EFT	0.00
Accounts Paid by cheque	0.00
<i>Sub Total Trust Account</i>	<b>\$0.00</b>
<b>Total Payments</b>	<b>\$147,349.76</b>

**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 \$147,349.76 1 March 2018 to 31 March 2018 in the attached schedule be endorsed.

**VOTING REQUIREMENT:**

Simple Majority

**18070 HANSEN/FRASER**

***That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$147,349.76 1 March 2018 to 31 March 2018 in the attached schedule be endorsed.***

**CARRIED (7/0)**

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

**13.1 OFFICERS**

**13.2 ELECTED MEMBERS**

**14. MEETING CLOSED TO THE PUBLIC**

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

**CONFIDENTIAL ITEM**

**PROCEDURAL RECOMMENDATION:**

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

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

**18071 STEVENSON/BUCKLAND**

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

***(The following report is confidential in accordance with Section 5.23(2)(a),(b) and (c) and of the Local Government Act 1995, a contract that may be entered into by the Local Government).***

**CARRIED (7/0)**

**Cr Stevenson put forward the motion that Standing Orders be suspended to allow for discussion.**

**18072 STEVENSON/LONGMORE**

***Standing Orders be suspended to allow for discussion.***

***CARRIED (7/0)***

AGENDA NUMBER:	14.1
SUBJECT:	Self-Supporting Loan Application
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 4
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	18 April 2018
ATTACHMENT:	14.1.1- Business Plan – Nannup Music Club Inc. including Offer and Acceptance for proposed purchase 14.1.2 - Nannup Music Club Inc. – Audited Statements 14.1.3 - Nannup Music Festival – Final Event Report 2018

***18074 STEER/LONGMORE***

***That Standing Orders be resumed.***

***CARRIED (7/0)***

**PROCEDURAL RECOMMENDATION:**

*That the meeting be opened to the members of the public in accordance with Sections 5.23(1) (a) and (b) of the Local Government Act 1995.*

***18075 STEVENSON/BUCKLAND***

***That the meeting be opened to the members of the public in accordance with Sections 5.23(1) (a) and (b) of the Local Government Act 1995.***

***CARRIED (7/0)***

Meeting re-opened to the public at 5.37pm.

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

**18073 STEVENSON/LONGMORE**

*That Council endorse and pursue the application for a self-supporting loan on behalf of the Nannup Music Festival Inc. for the sum of \$350,000 on the following conditions:*

- 1. The loan period is for a 10-year period;*
- 2. All costs associated with the setup of both the loan and legal agreement surrounding this loan are recoverable expenses recoverable from the Nannup Music Festival Inc.;*
- 3. That a condition of the loan be that a term deposit be held and proof of this term deposit be given to the Shire of Nannup for the amount of \$22,000 or total amount of 6 months' repayments of the loan, whichever is the greater;*
- 4. That the implications of this loan application be included within the Annual Budget for the 2018/19 financial year.*
- 5. That Council authorise the CEO to implement necessary conditions to ensure security for the loan over assets owned by NMF.*

**CARRIED BY ABSOLUTE MAJORITY (7/0)**

**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**

The Deputy Shire President declared the meeting closed 5.38pm