



Shire of
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Minutes

Council Meeting held Thursday 26 September 2019

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Minutes

1. DECLARATION OF OPENING & ACKNOWLEDGEMENT OF COUNTRY

The Shire President declared the meeting open at 4.30pm

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

ATTENDANCE:

Shire President: Cr T Dean

Councillors: N Steer, R Longmore, P Fraser, V Hansen, C Stevenson.

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

APOLOGIES: Nil

LEAVE OF ABSENCE:

Cr Buckland and Cr Mellema.

VISITORS: Kerri Firth, Ian Gibb, Cheryle Brown, Len Gilchrist, Murray McKinley, Neville Hamilton.

3. APPLICATION FOR LEAVE OF ABSENCE:

Nil.

4. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.

Please see attachment 3.1.

5. PUBLIC QUESTION TIME

Kerri Firth – East Nannup Road

Why has the broken window at the Recreation Centre not had shade cloth placed on it as it people have been requesting for some time; it really effects the eyes of people playing sport.

Shire President

I will defer that question to the Chief Executive Officer for a response.

Chief Executive Officer

I will take that question on notice.

Ian Gibb – 40 Rivergum Way, Darradup

I am here today representing the Business Initiative Group Nannup (BIG N). Stripes in the Forrest is now live and I just wanted to make Council aware that the project is now operational. It has been fully funded by the business and residents of Nannup and we are looking forward to seeing how successful this can be. Thank you.

Shire President

Thank you Ian.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. DECLARATIONS OF INTEREST

Cr Dean declared a Proximity Interest in Item 15.4 relating to “Investigation & Possible Removal or Renovation of White Entry Statement to Townsite”.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

19119 LONGMORE/STEER

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 22 August 2019 be confirmed as a true and correct record.

CARRIED (6/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

19120 STEER/HANSEN

- 9.1** *That the unconfirmed Minutes of the Bush Fire Advisory Committee meeting held 2 September 2019 be received.*
- 9.2** *That the unconfirmed Minutes of the Local Emergency Management Committee meeting held 21 August 2019 be received.*
- 9.3** *That the Minutes of the Local Drug Action Group Committee Meeting held 11 September 2019 be received.*

CARRIED (6/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Shire President thanked retiring Councillors Steer and Longmore for their years of dedicated service as elected members.

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Date	Meeting	Councillor
2/9	Bush Fire Advisory Committee	Fraser, Stevenson, Mellema
11/9	Local Drug Action Group Committee	Stevenson

AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for August 2019
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	10 September 2019
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – Register of Delegated Development Approvals

BACKGROUND:

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Application for Development Approval that meet the requirements of both Local Planning Scheme No.3 (LPS3) and adopted Council policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in August 2019 is presented in Attachment 12.1.1.

COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council’s adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During August 2019, two (2) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for August 2019 compared to August 2018:

	August 2018	August 2019
Delegated Decisions	2 (\$10,500)	2 (\$9,300)
Council Decisions	1 (\$65,000)	1 (\$15,000)
Total	3 (\$75,500)	3 (\$24,300)

100% of all approvals issued in the month of August were completed within the statutory timeframes of either 60 or 90 days.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and LPS3.

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

POLICY IMPLICATIONS:

Applications for Development Approval must be assessed against the requirements of LPS3 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

FINANCIAL IMPLICATIONS:

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for August 2019 as per Attachment 12.1.1.

19121 LONGMORE/STEVENSON

That Council receives the report on Delegated Development Approvals for August 2019 as per Attachment 12.1.1.

CARRIED (6/0)

AGENDA NUMBER:	12.2
SUBJECT:	Native Title Indemnification – Dedication of Poison Swamp Road
LOCATION/ADDRESS:	Poison Swamp Road, Darradup
NAME OF APPLICANT:	Alan Boynton on behalf of R&S Bruce, N&A Hamilton and J&I Gouldney (owners of Lot 11864 Poison Swamp Road, Darradup)
FILE REFERENCE:	ROA083
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	30 August 2019
PREVIOUS MEETING REFERENCE:	21 December 2006, 27 April 2017 & 26 July 2018
ATTACHMENT:	Nil

BACKGROUND:

The Department of Planning, Lands and Heritage (DPLH) are in the process of dedicating Poison Swamp Road, Darradup at the request of the Shire of Nannup.

Investigations by DPLH indicate that Native Title has not been extinguished for the State Forest or Reserve 47670 through which the proposed road reserve will be created. The DPLH now proposes to progress the dedication of the road under Section 24KA of the *Native Title Act 1993* (NTA). This section of the NTA allows for the Non-Extinguishment of Native Title to provide facilities for services to the public, including roads to be dedicated under Section 56 of the *Land Administration Act 1997* (LAA).

COMMENT:

To use Section 24KA of the NTA to dedicate a Local Road, such as Poison Swamp Road, the DPLH requires the Shire of Nannup to pass a Council resolution for the use of Section 24KA indemnifying the State against any compensation liability under the NTA as a result of the dedication of the road, as well as reimbursing the Department for the costs and disbursements incurred.

While Council has previously provided indemnification to the DPLH and the Minister for Lands against any costs associated with the road dedication process, the DPLH have advised that a separate indemnification needs to be provided in this instance.

STATUTORY ENVIRONMENT:

Native Title Act 1993 and Land Administration Act 1997.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil, subject to the Shire of Nannup in turn receiving indemnification from the landowners of Lot 11864 Poison Swamp Road, Darradup.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

That Council:

1. Agrees to indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the *Native Title Act 1993* which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of Poison Swamp Road, Darradup.
2. Requires the owners of Lot 11864 Poison Swamp Road, Darradup to in turn indemnify and keep indemnified the Shire of Nannup and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the *Native Title Act 1993* which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of Poison Swamp Road, Darradup.
3. Delegates authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage, other agencies and the applicant/landowner regarding the dedication of Poison Swamp Road.

19122 LONGMORE/DEAN

That Council:

- 1. Agrees to indemnify and keep indemnified the State of Western Australia, the Department of Planning, Lands and Heritage and the Minister for Lands and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of Poison Swamp Road, Darradup.**

- 2. Requires the owners of Lot 11864 Poison Swamp Road, Darradup to in turn indemnify and keep indemnified the Shire of Nannup and hold them harmless from and against all liabilities, obligations, costs, expenses or disbursements of any kind including, without limitation, compensation payable to any party under the Native Title Act 1993 which may be imposed on, or incurred by the Indemnified Parties relating to or arising directly or indirectly from the dedication of Poison Swamp Road, Darradup.**

- 3. Delegates authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage, other agencies and the applicant/landowner regarding the dedication of Poison Swamp Road.**

CARRIED (4/2)

Voted Against Motion: Cr Hansen and Cr Stevenson

AGENDA NUMBER:	12.3
SUBJECT:	Development Application for Workers' Accommodation
LOCATION/ADDRESS:	Lot 4040 on P229284 (No. 8757) Iffley Road, Biddelia
NAME OF APPLICANT:	Phoenix Agriculture Pty Ltd
FILE REFERENCE:	A479
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	18 September 2019
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.3.1 - Location map 12.3.2 - Original information from applicant (including BMP & BEEP) 12.3.3 - Submissions

BACKGROUND:

The Shire has received a Development Application from the owners of Lot 4040 (No. 8757) Iffley Road, Biddelia to convert part of an existing shed to workers' accommodation proposing to house a maximum of four seasonal workers.

The site, shown in Attachment 12.3.1, is located approximately 30 kilometres south of the Nannup townsite. The site is 55.28 hectares in area, largely cleared, and contains a dwelling, storage shed and a derelict cottage. The site is bordered by farmland to the north and west, and State Forest to the south and east.

Details of the proposal are outlined in Attachment 12.3.2. In summary, the applicant proposes to partially convert an existing storage shed to workers' accommodation to house seasonal workers on the property.

Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to 1 adjoining/nearby landowner and the Department of Fire and Emergency Services (DFES).

The Shire received one submission on the Development Application which is set out in Attachment 12.3.3. The submission from DFES recommended that the application not be supported due to non-compliance with *State Planning Policy 3.7 Planning in Bushfire Prone Areas* in particular that the proposal is to intensify land use in a bushfire prone area with only one point of access and egress.

Planning framework

The property is zoned “Agriculture Priority 2” in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3). “Workers accommodation” is a “D” use in the Agriculture Priority 2 Zone as set out in the LPS3 Zoning Table. The Council has the legal power under LPS3 to approve the Development Application.

The application and the site are subject to a range of planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 3.7 Planning in Bushfire Prone Areas* (SPP3.7), *Guidelines for Planning in Bushfire Prone Areas*, *Shire of Nannup Local Planning Strategy* and *Shire of Nannup Local Planning Strategy*. In summary, the documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy.

The *Guidelines for Planning in Bushfire Prone Areas* outline that workers’ accommodation is a “vulnerable land use”. This includes uses that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

Most of the property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner.

COMMENT:

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

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

- it is overall consistent with the planning framework;
- it supports diversifying and growing the local economy, and supporting job creation;
- there is a demonstrated need for workers’ accommodation for the continued operation of agricultural production on the property;
- the workers’ accommodation is located near existing infrastructure and the on-site agricultural operations;
- no clearing of native vegetation is proposed;
- there are expected to be manageable environmental impacts given the land is cleared and wastewater disposal is required to comply with Shire and Department of Health requirements;
 - there are no objections from other Shire officers/units;

- Bushfire Prone Planning confirm that the application generally addresses the *Guidelines for Planning in Bushfire Prone Areas*; and
- development conditions can assist to control the use and management of the development.

Key issues

While noting the above, the key issues with the application are summarised below:

- Bushfire management/emergency management – this is considered to be the major issue given the site’s location. Workers accommodation is a vulnerable land use and there are times when there will be additional persons on the property. There are significant risks to seasonal workers 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. While noting this, based on Bushfire Prone Planning’s advice and subject to implementation and on-going review of the BMP and BEEP, it appears that associated risks can be managed;
- Standard of Iffley Road and developer contributions – Iffley Road is unsealed but is usually in good condition. While the proposed development will increase traffic volumes and impacts, the traffic generation is expected to be infrequent. Accordingly, the officer recommendation does not include a condition requiring a proportionate financial contribution to upgrade Iffley Road;
- Effluent disposal – the systems will need to be located and designed to minimise off-site environmental impacts;
- Water supply – need to address Australian standards; and
- Length of approval - the recommendation does not set a time limit.

STATUTORY ENVIRONMENT:

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

Subject to the Council’s decision, the applicant separately needs to have the shed partially reclassified as a dwelling and meet additional *Building Code of Australia* requirements.

POLICY IMPLICATIONS:

Relevant Local Planning Policies include *LPP13 Car Parking and Vehicular Access, LPP20 – Developer and Subdivider Contributions and LPP21 Bushfire Management.*

Local Planning Policies are 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 policies but is required to have regard to the policies in determining the Development Application.

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including SPP 2 *Environment and Natural Resources Policy*, SPP 2.9 *Water Resources*, SPP 3.4 *Natural Hazards and Disasters* and SPP 3.7 *Planning in Bushfire Prone Areas*.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC IMPLICATIONS:

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

RECOMMENDATION:

That Council approve the Development Application for partial conversion of an existing shed into workers' accommodation at Lot 4040 on Plan 229284 (No. 8757) Iffley Road, Biddelia, 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 local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to commencement of the camping.
4. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to occupation of the workers' accommodation.
5. A Bushfire Management Plan is to be approved by the local government and then implemented prior to occupation of the workers' accommodation. Following this, measures and recommendations in the approved Bushfire

Management Plan are to be maintained to the satisfaction of the local government.

6. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to occupation of the workers' accommodation. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.
7. The approved workers' accommodation is not to be used for tourism uses without the prior approval of the Shire.
8. A maximum of four workers are permitted to stay at any one time.

Advice

- A. The proponent is advised that this Development Approval is not a Certificate of Building Approval. A Certificate of Building Approval must be formally applied for and obtained before the workers' accommodation is occupied.
- B. In relation to Condition 3, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.
- C. In relation to Conditions 5 and 6, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- D. In relation to Condition 7, any change in use of the workers' accommodation will require a Development Application to be submitted to the Shire. This includes holiday or long term rental uses.
- E. The applicant is advised to contact the owner of the property adjoining Lot 4040 immediately to the north with regards to securing an alternative emergency exit in the event that safe egress via Iffley Road is not possible during a bushfire emergency.
- F. 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.

19123 DEAN/HANSEN

That Council approve the Development Application for partial conversion of an existing shed into workers' accommodation at Lot 4040 on Plan 229284 (No. 8757) Iffley Road, Biddelia, 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 local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.**
- 3. An adequate on-site potable water supply is provided in accordance with the Australian Drinking Water Guidelines 2004 prior to commencement of the camping.**
- 4. A waste water disposal system approved by the local government and/or the Department of Health is installed prior to occupation of the workers' accommodation.**
- 5. A Bushfire Management Plan is to be approved by the local government and then implemented prior to occupation of the workers' accommodation. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.**
- 6. A Bushfire Emergency Evacuation Plan is to be approved by the local government and then implemented prior to occupation of the workers' accommodation. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.**
- 7. The approved workers' accommodation is not to be used for tourism uses without the prior approval of the Shire.**
- 8. A maximum of four workers are permitted to stay at any one time.**

Advice

- A. The proponent is advised that this Development Approval is not a Certificate of Building Approval. A Certificate of Building Approval must be formally applied for and obtained before the workers' accommodation is occupied.**
- B. In relation to Condition 3, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.**

- C. In relation to Conditions 5 and 6, these plans should be regularly reviewed ensure they comply with best practice to assist in managing bushfire risk.***
- D. In relation to Condition 7, any change in use of the workers' accommodation will require a Development Application to be submitted to the Shire. This includes holiday or long term rental uses.***
- E. The applicant is advised to contact the owner of the property adjoining Lot 4040 immediately to the north with regards to securing an alternative emergency exit in the event that safe egress via Iffley Road is not possible during a bushfire emergency.***
- F. 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 (6/0)

AGENDA NUMBER:	12.4
SUBJECT:	Subdivision Application
LOCATION/ADDRESS:	Lot 9004 Hitchcock Drive, Nannup
NAME OF APPLICANT:	Peter Webb & Associates for Askino Pty Ltd
FILE REFERENCE:	TPL9-158337
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	19 September 2019
PREVIOUS MEETING REFERENCE:	25 January 2007, 23 August 2007, 28 July 2011
ATTACHMENT:	12.4.1 - Location map 12.4.2 - Subdivision Plan 12.4.3 - Bushfire Management Plan

BACKGROUND:

A subdivision application has been submitted by Peter Webb & Associates, for Lot 9004 Hitchcock Drive, on behalf of Askino Pty Ltd to the Western Australian Planning Commission (WAPC).

The WAPC has in-turn referred the subdivision application to the Shire for comment. It is highlighted that the WAPC makes the decision on subdivision applications with the Shire providing advice to the WAPC.

The site's location is shown in Attachment 12.4.1.

Attachment 12.4.2 outlines the submitted subdivision plan. The application proposes to subdivide the property to create 44 residential lots plus a balance of title. Most proposed residential lots are between 1000 – 1499m².

In support of the application, a Bushfire Management Plan is provided in Attachment 12.4.3.

The site is zoned Residential R10/15 in the *Shire of Nannup Local Planning Scheme No.3* (LPS3). The Local Planning Strategy supports residential development on the site subject to addressing relevant planning and servicing considerations.

COMMENT

The key issue with the submitted subdivision application is the location of the Dunnet Road/subdivisional road intersection (south of proposed Lot 6). The proposed intersection, south of the crest on Dunnet Road, has insufficient vehicular sight distances. The submitted subdivision plan, if approved and implemented, would in-turn create safety issues for road users along with liability considerations.

Site inspection will reveal that driving at the speed limit on Dunnet Road, in the vicinity of the crest, is unsafe at 50kmph without the introduction of an additional hazard by way of the proposed intersection. When travelling south, road users are not able to see the proposed intersection until they have come over the crest at which point there would only be about 15-20m to stop if there was a car entering or exiting. In addition, Dunnet Road is narrow on the southern side of the crest with very little room to take evasive action if needed.

The proposed intersection location is suggested to be in the worst possible spot when it comes to the safety of road users.

The applicant has provided no engineering advice, or road safety audit, as to how the safety of road users will be addressed. The Shire has, on various occasions, raised safety issues with the landowner and the applicant and has requested the intersection location be modified.

It is suggested a roundabout is not likely to be an appropriate solution as road users would come across it very suddenly when travelling south and there may not be enough room for a roundabout. It is suggested the southern section of Dunnet Road needs to be widened.

Based on the above, the most appropriate response is the applicant reviews the subdivision design to take account of the crest and addresses safety considerations.

There may be scope to modify the subdivision design and extend a road in the vicinity of proposed Lots 2 and 3 and Lots 27 and 28 to connect Dunnet Road and Hitchcock Drive. This will provide a required second access for bushfire and accessibility reasons. If this is appropriate, the proposed subdivision road currently proposed to connect with Dunnet Road could become a cul-de-sac near Lot 6.

There is the potential to provide a southern intersection with Dunnet Road as part of the future subdivision of Lot 2002 (south of the application site and not owned by Askino Pty Pty). This should be addressed through future structure planning.

It is recommended the Council recommends to the WAPC that the applicant redesigns the subdivision plan and outlines how the safety of road users on Dunnet Road will be appropriately addressed.

Following the applicant suitably addressing safe vehicular access, the Shire will separately recommend conditional approval to the WAPC. As part of recommending conditional approval, and prior to the creation of new titles, there is a need to address matters including public open space, stormwater management, filling, retaining walls,

timing to create two access ways, and fencing/passive surveillance of the public open space.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policies *LPP1 Cut & Fill and Retaining Wall, LPP2 Private Stormwater Drainage Connections to Council's Drains, LPP13 Car Parking and Vehicular Access and LPP20 Developer and Subdivider Contributions*. These are non-statutory documents which are designed to provide guidance to assist the Council in its decision making and in providing advice to the WAPC.

FINANCIAL IMPLICATIONS:

The developer is required to meet the cost of providing new infrastructure to service proposed lots in accordance with WAPC policies and in accordance with *Local Planning Policy LPP20 Developer and Subdivider Contributions Policy*. It is imperative, for instance, that the developer installs stormwater management systems that achieve effective stormwater control that meet best practice environmental standards and which ensure lower operating costs.

STRATEGIC IMPLICATIONS:

The site represents a logical area to accommodate new residential development in Nannup and once implemented, it will provide an important boost to the development of Nannup.

RECOMMENDATION:

That Council:

1. Advise the Western Australian Planning Commission, in relation to the proposed subdivision of Lot 9004 Hitchcock Drive, Nannup (WAPC 158337), that the submitted application raises traffic safety issues due to insufficient vehicular sight distances at the intersection of Dunnet Road and the proposed subdivision road (south of proposed Lot 6). As a result, request that the application be deferred and that the applicant submits a modified subdivision plan which suitably addresses traffic safety and bushfire management.
2. Notes the Shire's Chief Executive Officer will progress matters with the Department of Planning, Lands and Heritage and the applicant/landowner. Subject to the receipt of a modified subdivision plan, which suitably addresses traffic safety and bushfire management, the Shire will provide recommended subdivision conditions and advice to the Western Australian Planning Commission.

19124 STEER/LONGMORE

That Council:

1. ***Advise the Western Australian Planning Commission, in relation to the proposed subdivision of Lot 9004 Hitchcock Drive, Nannup (WAPC 158337), that the submitted application raises traffic safety issues due to insufficient vehicular sight distances at the intersection of Dunnet Road and the proposed subdivision road (south of proposed Lot 6). As a result, request that the application be deferred and that the applicant submits a modified subdivision plan which suitably addresses traffic safety and bushfire management.***
2. ***Notes the Shire's Chief Executive Officer will progress matters with the Department of Planning, Lands and Heritage and the applicant/landowner. Subject to the receipt of a modified subdivision plan, which suitably addresses traffic safety and bushfire management, the Shire will provide recommended subdivision conditions and advice to the Western Australian Planning Commission.***

CARRIED (6/0)

AGENDA NUMBER:	12.5
SUBJECT:	Danjangerup Cottages – Alliance Housing – Access to Funds Held in Reserve
LOCATION/ADDRESS:	Lot 320 Reserve Number 39740
NAME OF APPLICANT:	Alliance Housing – Danjangerup Cottages
FILE REFERENCE:	RAT 9
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 June 2019
ATTACHMENT:	12.5.1 - Building Surveyor Report

BACKGROUND:

The Shire of Nannup has received a request from Alliance Housing to contribute to major maintenance costs of the Danjangerup Cottages.

Previously, the Danjangerup Cottages were a joint venture arrangement with the Department of Housing and Danjangerup Cottages Inc. When the Danjangerup Cottages Inc. dissolved, there was a large accumulated cash reserve that was intended to be set aside for future unit development and renewal works of the current units in Nannup. After much negotiation, it was agreed that the Shire of Nannup would substitute Danjangerup Cottages Inc. in the Joint Venture through a Deed of Novation. This Deed of Novation was executed on the 13th of October 2017

The execution of this Deed of Novation triggered the surplus cash reserves being transferred to the Shire of Nannup. The funds were transferred on the 18th January 2018 and are held in an individual reserve account.

Simultaneously on the 13th October 2017, the Shire of Nannup executed a lease agreement with the Housing Authority where the Housing Authority would be responsible for managing the units for a Term of 21 years on a peppercorn payment (\$1). The Housing Authority subsequently entered into a Management Agreement with Alliance Housing for the management and maintenance of the Danjangerup Cottages (date unknown).

In October 2018, the Shire was approached by application from Alliance Housing to access \$245,862 of the surplus funds to renovate the units, there was a smaller renovation alternative also tabled to the value of \$63,772 for bathroom renovations only. This was discussed with Council informally with the sentiment being that those surplus funds were for extending the number of units and not to be used for maintenance-based expenditure which is the responsibility of the Housing Authority and Alliance Housing.

This belief is consistent with a previous endorsement made by Council at its October 2014 Ordinary meeting of Council;

“8989 DUNNET/STEER

1. *Council agree in principle to the relinquishment of the lease and for Alliance Housing to take over the management of Danjangerup Cottages.*
2. *Council advise the Department of Housing that it agrees to the severance of clause 4(k) from the lease between the Council and Danjangerup Cottages Incorporated dated 1 August 1991.*
3. *Council agree to the execution of a new lease with Alliance Housing on terms to be agreed.*
4. *Council agree to hold a trust fund for the balance of surplus funds from Danjangerup Committee, plus interest and a contract be drawn up to this effect between the Danjangerup Committee and the Shire of Nannup to release these funds for the expansion of the Danjangerup Cottages in the future.*

CARRIED 8/0”

This feedback from Council was provided to Alliance Housing and they did not pursue the renovation request any further.

Since the initial request for the unit renovation, Alliance Housing have received complaints from a resident in of the units that there was damp and mould present. The Shire CEO and Alliance Hosing CEO attended the Cottages of which a number of items were discussed, including vacant block slashing, footpath repairs, driveway water drainage/flooding and the unit where the complaint for mould/damp was said to be. On inspection of the unit, it was difficult to identify mould or damp being present.

Alliance Housing investigated further which resulted in a formalised request to the Shire of Nannup to pay contractors to remove the garden beds away from the walls, totalling \$2,828 excluding GST and repoint the brick work to a number of units, totalling \$7,800 excluding GST.

It was the Shire CEO’s view that these works should not be the responsibility of the Shire as these works resulted from a lack of maintenance. The Shire commissioned a building surveyor to inspect the units in their entirety to obtain a status on their condition who among other things identified;

- the need for the brickwork to be repointed
- that the wall breathing halls needed to be cleared of soil from the garden beds
- performed a moisture reading of which the levels were high but suspected to be caused by the wall breathing holes not being cleared of soil.
- That were a significant amount of maintenance items that needed addressing by Alliance Housing under their maintenance regime.

Alliance Housing have contacted the Housing Authority to obtain clarification that the repointing of the brickwork wall under major maintenance, of which the Housing Authority agreed, therefore requesting the Shire pay for the repointing of brickwork, totalling \$7,800.

COMMENT:

Clause 2.3(b) of the Deed of Novation states;

“(b) The Substitute party will ensure that the Surplus Funds are held in a reserve fund for the purpose of future development of and major maintenance works on Danjangerup Cottages in accordance with the terms of the Contract.”

Major Maintenance is not defined within the formal agreements, however, discussions between the Manager Infrastructure and the CEO determine major maintenance would be reasonably defined as significantly extending the life of the asset (i.e structural in nature).

The condition of the brickwork pointing works does not create a structural issue currently, however, it most likely will in the future, therefore it is agreed that this request for repointing the brickwork would be classified as major maintenance.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

If Council agree to the request from Alliance Housing the cost will be \$7,800 excluding GST and will be transferred from Reserve.

STRATEGIC IMPLICATIONS:

Shire of Nannup Strategic Community Plan 2017 – 2027

Our Aged

1.2 Our Aged – Provide an aged friendly environment.

RECOMMENDATION:

That Council authorise the expenditure of \$7,800 excluding GST from the Aged Housing Reserve to pay for the quoted costs of the repointing brickwork at Danjangerup Cottages.

19125 LONGMORE/STEER

That Council authorise the expenditure of \$7,800 excluding GST from the Aged Housing Reserve to pay for the quoted costs of the repointing brickwork at Danjangerup Cottages.

CARRIED (3/3)

***Voted Against the Motion: Cr Fraser, Cr Stevenson and Cr Hansen.
Shire President used his casting vote.***

AGENDA NUMBER:	12.6
SUBJECT:	Budget Monitoring – July 2019
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:	19 September 2019
ATTACHMENTS:	12.6.1 – Financial Statements for the period ending 31 July 2019

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 12.6.1.

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 ending 31 July 2019 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 2019/20.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

Monthly Financial Statements for the period ending 31 July 2019 be received.

19126 STEER/STEVENSON

Monthly Financial Statements for the period ending 31 July 2019 be received.

CARRIED (6/0)

AGENDA NUMBER:	12.7
SUBJECT:	Monthly Accounts for Payment - July 2019
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz –Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	19 September 2019
ATTACHMENTS:	12.7.1 – Accounts for Payment – July 2019

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 July 2019 to 31 July 2019 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 are currently two corporate credit cards 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	11766 – 11841	107,184.70
Accounts paid by cheque	20396 – 20405	64,411.27
Accounts paid by Direct Debit	DD10537.1 – DD10537.14	30,225.57
<i>Sub Total Municipal Account</i>		\$201,821.54

Trust Account

Accounts paid by EFT	11809 – 11810, 11842	343.50
Accounts Paid by cheque		0.00
<i>Sub Total Trust Account</i>		\$343.50

Total Payments

\$202,165.04

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 \$202,165.04 1 July 2019 to 31 July 2019 in the attached schedule(s) be endorsed.

19127 HANSEN/STEVENSON

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$202,165.04 1 July 2019 to 31 July 2019 in the attached schedule(s) be endorsed.

CARRIED (6/0)

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

15.1 19128 DEAN/HANSEN

That Council start the process of consulting with the land owners in the immediate vicinity of Perks and Creedance Roads with a view to re-zoning the area to a Tourism Precinct under LPS 4.

CARRIED (6/0)

15.2 19129 DEAN/LONGMORE

A written report be given to the next Council meeting on the progress in surveying Gracillus Road as a second exit for north Nannup.

CARRIED (6/0)

15.3 19130 DEAN/STEER

This Shire scrub the no parking markings/bays from outside the following shops as they are no longer relevant: Word of Mouth, Nannup Furniture Gallery (one only), opposite the Post Office.

CARRIED (6/0)

Cr Dean declared a Proximity Interest in 15.4 as his property is situated adjacent to the entry statement in question.

19131 HANSEN/STEVENSON

That Cr Dean be allowed to stay in the meeting for discussion and voting on 15.4.

CARRIED (6/0)

15.4 19132 DEAN/FRASER

Removes and relocates further out on Vasse Highway the White Gates entrance statements. (Currently a traffic hazard.)

CARRIED (5/1)

Voted Against Motion: Cr Longmore

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

Nil.

17. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 5.45pm.