



Shire of
Nannup
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Agenda

Council Meeting to be held
on Thursday 27 September 2012
Commencing at 4.15pm

Agenda

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
(previously approved)
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
4. **PUBLIC QUESTION TIME**
5. **APPLICATIONS FOR LEAVE OF ABSENCE**
6. **PETITIONS/DEPUTATIONS/PRESENTATIONS**
7. **DECLARATIONS OF INTEREST**

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

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

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

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 24 August 2012 be confirmed as a true and correct record.
9. **ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**
10. **REPORTS BY MEMBERS ATTENDING COMMITTEES**

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11. REPORTS OF OFFICERS

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**12. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY
DECISION OF MEETING**
(a) OFFICERS
(b) ELECTED MEMBERS

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

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

15. CLOSURE OF MEETING

DEVELOPMENT

SERVICES

AGENDA NUMBER: 11.1
SUBJECT: Planning Infringement Notices
LOCATION/ADDRESS: Applies throughout Western Australia
NAME OF APPLICANT: Nil
FILE REFERENCE: TPL1
AUTHOR: Steve Thompson – Consultant Planner
REPORTING OFFICER: Vic Smith – Acting Chief Executive Officer
DISCLOSURE OF INTEREST: Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest – Section 5.70 of the Local Government Act 1995
DATE OF REPORT: 10 September 2012

Attachment: Planning Bulletin 98

BACKGROUND:

The purpose of this report is to establish the capability for the Shire of Nannup to issue Planning Infringement Notices (PINs) by designation of the Chief Executive Officer as the authorising officer.

Planning Infringement Notices are issued by local governments in Western Australia to enforce or secure compliance with a breach of the *Planning and Development Act*, Local Planning Scheme or a condition of planning approval.

A PIN is used in straightforward matters as a means of addressing an offence and to achieve early compliance as set out in the Western Australian Planning Commission's *Planning Bulletin 98* (see Attachment 1). *Planning Bulletin 98* identifies examples where it would be appropriate to issue a PIN for offences under sections 214, 218, 220 and 221 of the *Planning and Development Act*. This includes:

- unauthorised advertising or erection of signs;
- unauthorised storage and wrecking of motor vehicles;
- unauthorised motor vehicle repairs;
- unauthorised parking of commercial vehicles;
- operating a business without a valid approval;
- unauthorised storage of materials;
- unauthorised clearing of vegetation;

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- unauthorised use of land or buildings;
- unauthorised change in the type of land use;
- unauthorised minor works;
- breaching a condition of a planning approval and/or approved plans; and
- breaching a Local Planning Scheme provision.

PINs are preferred, in some instances, to commencing legal action through the court system, where additional costs and fines are usually sought and imposed. It is not intended that the power to issue a PIN will extend to more complicated contraventions of a Local Planning Scheme.

PINs complement other planning control enforcement and compliance mechanisms.

Currently, PINs carry an initial penalty of \$500.00 for an offence.

An officer must be appointed by the Chief Executive Officer as specified under section 234 of the *Planning and Development Act 2005* to issue a PIN upon any party believed to have committed an offence.

Options to people/entities who receive a PIN

There are a number of options to people/entities that receive a PIN. Some of these options include:

- pay the PIN within the specified 28 day time period and address the breach;
- submit a letter to the Shire within the specified 28 day time period and request to have the PIN withdrawn if it is considered that there are reasonable grounds to make such a request;
- submit a letter to the Shire within the specified 28 day time period to advise that you would like the PIN matter to be determined in a court; or
- if no action is taken, the Shire could forward details to the Fines Enforcement Registry. Alternatively, the Shire could withdraw the PIN and commence prosecution proceedings through the court system, which could result in a higher penalty and costs being imposed by the court. The Shire would normally seek a higher penalty and costs.

Withdrawal of a PIN

A submission to request consideration to withdraw an issued PIN must be made in writing to the Shire with supporting documentation giving evidence as to why the infringement should be considered for withdrawal. It is expected that the Shire's Chief Executive Officer will be the designated officer under sections 231 and 230 of the *Planning and Development Act 2005* who will consider, and determine whether a PIN will be withdrawn or not.

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Fines Enforcement Registry

If the PIN is not paid within the prescribed or statutory period, the Shire can refer the matter to the Fines Enforcement Registry (FER). Failure to pay a PIN with FER can result in the loss of a driver's or vehicle license, even if the fine was not traffic related. Further fees are applicable once it has been registered with FER for not paying a PIN. Once matters are lodged at FER, the Registry is largely responsible for their enforcement.

Continuing Offences

Should the offence continue, regardless of whether a PIN has been issued or not for that particular offence, the Shire may issue another PIN and/or commence a prosecution through the courts. Penalties issued by the courts are substantially higher with a maximum penalty of \$200,000 being applicable along with a daily penalty of \$25,000 also being applicable for the continuation of that offence.

COMMENT:

The *Planning and Development Act* and the *Planning and Development Regulations (2009)* provide the statutory head of power for PINs. In implementing PINs, it is suggested that the Shire's Chief Executive Officer be authorised as the designated person for all PIN matters.

Experience elsewhere suggests that a PIN is not always effective in stopping undesirable behaviour. For example, the payment of the fee to satisfy a PIN may be regarded as a cost of doing business. The fee may be minimal in comparison to the economic benefit that may be gained from continuing to carry out the unauthorised development.

The Shire administration's preference is to continue to seek compliance with LPS3 and planning approvals by negotiation. If resolution cannot be reached through negotiation, a PIN will be issued. In limited circumstances, legal action via the courts may be required. Council agreement will be sought for legal action through the courts.

STATUTORY ENVIRONMENT:

Planning and Development Act, Planning and Development Regulations 2009 and LPS3.

POLICY IMPLICATIONS: None at this stage.

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FINANCIAL IMPLICATIONS:

The Council budgets funds for planning legal costs which include enforcing compliance with LPS3 and planning approvals.

STRATEGIC IMPLICATIONS: None

VOTING REQUIREMENT: Simple Majority

RECOMMENDATION:

That Council:

1. Authorise the Chief Executive Officer to be the designated person relating all matters relating to Planning Infringement Notices including sections 228, 229, 230 and 231 of the *Planning and Development Act*.
2. Note the Shire administration will continue to seek compliance of the Local Planning Scheme and planning approvals with landowners and applicants through negotiation. However where resolution cannot be reached by negotiation, a Planning Infringement Notice/s may be issued or a recommendation that legal action be pursued through the courts.



Planning Bulletin 98

Planning and Development Regulations 2009



June 2009

1 Introduction

The Planning and Development Regulations 2009 will come into operation on 1 July 2009, along with division 3 of part 13 of the *Planning and Development Act 2005*.

The purpose of this planning bulletin is to:

- explain the provisions of the regulations which have been carried over from existing regulations;
- explain the new provisions of the regulations regarding conditions on road access; and
- explain the new provisions of the regulations regarding infringement notices, as well as provide guidance on the circumstances in which an infringement notice can be issued for a planning offence.

2 Background

The *Planning and Development Act 2005* (PD Act) and related legislation commenced operation on 9 April 2006. The PD Act consolidated and repealed the *Town Planning and Development Act 1928*, the *Metropolitan Region Scheme Act 1959* and the *Western Australian Planning Commission Act 1985*.

Several new proposals were inserted into the PD Act, including section 150 (road access conditions) and division 3 of part 13 (infringement notices). These parts did not come into effect on 9 April 2006, as supporting regulations were required to support these new provisions.

The Planning and Development Regulations 2009 (the PD Regulations) have been prepared as part of the State Government's commitment to simplifying and streamlining the planning system and legislation. It was also considered desirable to move away from the fragmented approach to planning which was evident under the repealed legislation.

The PD Regulations are primarily a consolidation of regulations made under the repealed Acts. The PD Regulations consolidate the following:

- the Metropolitan Region (Valuation Board) Regulations 1967;
- the Metropolitan Region Planning Authority (Reserved Land) Regulations;
- the Planning and Development (Local Government Planning Fees) Regulations 2000;
- the Town Planning and Development (Easement) Regulations 1983;
- the Town Planning and Development (Ministerial Determinations) Regulations 2003; and
- the Town Planning and Development (Subdivisions) Regulations 2000.

The opportunity has been taken to revise the existing regulations and update the language and processes where appropriate.

The PD Regulations also introduce new provisions to support section 150 and division 3 of part 13 of the PD Act.

3 The Planning and Development Regulations 2009

Part 2 – Activities on State land

Part 2 of the PD Regulations generally reflects the provisions in the previous Metropolitan Region Planning Authority (Reserved Land) Regulations. However, some changes have been made to these provisions to modernise the language. In addition, the penalties for conducting an unlawful activity on State land in breach of the regulations have been increased.

Part 3 – Subdivision and development control

Part 3 of the PD Regulations generally reflects the provisions in the previous Town Planning and Development (Subdivisions) Regulations 2000 and the Town Planning and Development (Easement) Regulations 1983.

Division 1 – subdivision and similar matters

Division 1 sets out the processes to be followed by applicants lodging either an application for subdivision consent under section 135 of the PD Act, or an application for endorsement under section 145 of the PD Act. It also sets out what actions the Western Australian Planning Commission (WAPC) is required to take following determination of the application.

Division 2 – Applications for approval of certain transactions

Division 2 sets out the process to be followed by an applicant lodging an application for approval of a lease or a class of lease under sections 136 and 139 of the PD Act.

Division 3 – Road access conditions

Division 3 is new. It sets out how a road access condition imposed by the WAPC in accordance with section 150 of the PD Act is to be depicted on a plan of subdivision. It also states that it is an offence to contravene a road access condition, which may attract a penalty of up to \$50 000 (depending on the seriousness of the contravention). Finally, regulation 32 sets out the process to be followed in order to discharge or modify a road access condition. An appeal to the State Administrative Tribunal is available to an applicant if the WAPC refuses a request to modify or discharge a road access condition.

Division 4 – Easements

Division 4 is based on the provisions of the Town Planning and Development (Easement)

Regulations 1983; however, amendments have been made to modernise the processes. This division sets out who can be an easement holder, how an easement is to be depicted on the plan, and the rights, powers and privileges of an easement holder.

Part 4 – Compensation and acquisition

Part 4 of the PD Regulations generally reflects the provisions in the previous Metropolitan Region (Valuation Board) Regulations 1967. It sets out how an applicant who wishes to obtain a valuation from the Board of Valuers is to give notice of the intention to sell (under section 181(1) of the PD Act) and how an application for valuation is to be made. It also sets out the process the board will follow to undertake a valuation, and how the fee for the work undertaken by the board will be determined.

Part 5 – Enforcement and legal proceedings (infringement notices)

Part 5 of the PD Regulations is new. It has been prepared to give effect to division 3 of part 13 of the PD Act. Those provisions establish a regime whereby a designated person appointed by the responsible authority under section 234 may issue an infringement notice to a person (the 'alleged offender') where the designated person has reason to believe that the person has committed a prescribed offence.

The following offences are prescribed under regulation 42 as offences for which an infringement notice can be issued by a designated person:

- failing to comply with a direction given by a responsible authority regarding unauthorised development: section 214;
- contravening a planning scheme: section 218;
- commencing, continuing or carrying out development in a planning control area without obtaining prior approval: section 220;
- contravening an interim development order: section 221;
- undertaking a prohibited activity on State land: part 2 of the regulations; and

- contravening a road access condition: regulation 31 of the regulations.

Regulation 42 also prescribes the modified penalty for each offence. These penalties are typically \$500.

Regulation 43 states that the designated person must issue an infringement notice in form 2, which is prescribed under schedule 1 of the PD Regulations. If an infringement notice is to be withdrawn under section 231 of the PD Act, the designated person must use form 3, which is also prescribed in schedule 1.

Implementation of the infringement notices regime

It is intended that infringement notices will be used in straightforward matters where it is clear that an offence has been committed.

In considering the circumstances in which an infringement notice may be issued, the following considerations are relevant:

- whether the offence committed is a minor contravention of the Act or scheme;
- whether the physical elements of the offence are clear cut;
- whether the evidence gives the designated person reason to believe that the alleged offender committed the offence;
- whether it is appropriate for an infringement notice to be issued for the offence;
- whether issuing an infringement notice would be an effective means of addressing the offence; and
- whether the use of an infringement notice and payment of a modified penalty to address the offence reduces the impression of the seriousness of that offence.

For the sake of transparency and fairness, there should be no undue delay between the commission of an offence and the issue of an infringement notice. An infringement notice must be given to the alleged offender within six months after the offence is believed to have been committed. However, to ensure that matters are dealt with promptly, it is recommended that local governments attempt to issue an infringement notice as soon as possible after the offence has been

committed. This ensures that the breach of the PD Act or regulations is addressed promptly.

The evidentiary burden that applies for a prosecution must be satisfied before an infringement notice is given to an alleged offender. From a practical perspective, if the alleged offender elects to go to court rather than pay the modified penalty, the responsible authority must have the evidence necessary to prosecute the alleged offender. As such, the responsible authority/ designated person should investigate the offence as if it was intended to prosecute the alleged offender for committing the offence.

Local governments should be mindful of these issues when developing practices to be followed by designated persons when issuing infringement notices.

Circumstances in which an infringement notice may be issued

For offences under sections 214, 218, 220 and 221 of the PD Act, the circumstances in which it would be appropriate to issue an infringement notice, following consideration of the matters set out in section 5, include:

- unauthorised erection of signs;
- unauthorised storage and wrecking of motor vehicles (for example, derelict vehicles in front yard of dwelling);
- unauthorised parking of motor vehicles (for example parking of commercial trucks in residential areas);
- operating a business or conducting an activity outside of the approved operating hours of such business or activity;
- exceeding the approved capacity limit of land or premises used for business or activity;
- failure to provide adequate car parking facilities;
- failure to provide appropriate access;
- failure to undertake and maintain landscaping (where this a condition of approval);
- unauthorised or non-conforming garden walls and/or retaining walls;
- unauthorised dumping of waste;
- unauthorised storage of materials;

- unauthorised clearing of vegetation;
- unauthorised use of land or buildings (for example, use of residential premises for commercial purposes);
- unauthorised change in the type of land use (for example, change from warehouse to showroom; or residential to consulting rooms); and
- unauthorised minor works.

Part 6 – Applications for review

Part 6 of the regulations generally reflects the provisions of the Town Planning and Development (Ministerial Determinations) Regulations 2003. The regulations set a fee payable by any person wishing to obtain a copy of the Minister's reasons for making a particular determination regarding an application called in by the Minister under section 246.

Part 7 – Local government planning charges

Part 7 of the regulations generally reflects the provisions of the Planning and Development (Local Government Planning Fees) Regulations 2000. Several minor changes have been made to the way that the fees are described. In addition, the fees have been amended to reflect the annual consumer price index increase.

Part 8 – Miscellaneous

This part deals with miscellaneous matters.

Regulation 57 generally reflects regulation 9 of the Town Planning and Development (Subdivisions) Regulations 2000. It states that it is an offence for a person to provide false or misleading information in an application to the WAPC made under these regulations. The penalty has been increased from \$1000 to a maximum fine of \$50 000.

Part 9 – Transitional matters

Part 9 provides for the continuation of existing appointments of wardens and temporary wardens, made under regulation 23 of the Metropolitan Region Planning Authority (Reserved Land) Regulations.

4 Information and comment

Copies of the legislation are available from the State Law Publisher at:

10 William Street
Perth WA 6000
Phone: ~~9321 7688~~ (08) 6552 6000
Fax: 9321 7536
Email: sales@dpc.wa.gov.au
Website: www.slp.wa.gov.au

Any correspondence concerning this bulletin should be directed to:

Director
Policy Coordination and
Development
Strategic Policy and Management
Department for Planning and
Infrastructure
469 Wellington Street
Perth WA 6000

Please quote file reference 151-1-1-75P31V in all correspondence.

5 Disclaimer

This planning bulletin is intended to provide information regarding the new Planning and Development Regulations 2009. It is not intended to constitute legal advice or cover all circumstances.

Readers are advised to refer to the legislation, which is available from the State Law Publisher, and to seek professional legal advice should they have specific legal questions in relation to their particular circumstances.

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**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.2
SUBJECT: Application for Planning Approval – Outbuilding
LOCATION/ADDRESS: Lot 901 Cundinup South Road, Cundinup
NAME OF APPLICANT: Mark Tomas for Shayne & Bobby Brown
FILE REFERENCE: A1376
AUTHOR: Steve Thompson – Consultant Planner
REPORTING OFFICER: Vic Smith – Acting Chief Executive Officer
DISCLOSURE OF INTEREST: Edge Planning & Property receive planning fees for advice to the Shire therefore declare a Financial Interest
– Section 5.70 of the Local Government Act 1995
DATE OF REPORT: 11 September 2012

- Attachment: 1. Location Map
2. Information provided by applicant
3. DEC advice
4. Advice from landowner
5. Planning framework

BACKGROUND:

Reason for Council consideration

This item is presented for Council determination as the Department of Environment and Conservation (DEC) has requested that the proposed outbuilding (machinery shed) be setback 100 metres from the State Forest which is located to the south and west of Lot 901 (the site).

The site

The site is approximately 10 kilometres north-north east of the Nannup town site (see Attachment 1). The site is 66.056 hectares in area, is largely cleared, is generally gently sloping (the land rises approximately 35 metres east-west over 836 metres - 4% slope), and contains a dwelling, shed, dams and an avocado plantation.

The site is “land locked” as it does not directly adjoin a gazetted road reserve.

The site adjoins the Jarrahwood State Forest on its southern and western boundaries.

The proposal

The applicant has lodged an application for planning approval for a machinery shed of 32 metres by 12 metres with an area of 384m². Additionally the applicant requested boundary setback reduction, below the 20 metres set by the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*, for the Agricultural Priority 2 Zone.

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Initially, as set out in Attachment 2, the outbuilding was proposed to be setback 5 metres from the southern boundary and 15 metres from the western boundary.

Following the receipt of DEC's advice (Attachment 3), the landowner now proposes that the outbuilding be setback 13 metres from the southern boundary and 10 metres from the western boundary (Attachment 4). Attachment 4 also sets out reasons in support of the revised setbacks and why the boundary setback reductions should be supported.

DEC advice

The Shire referred the Planning Application to DEC for comment with DEC's advice provided in Attachment 3. In summary, DEC seek the Shire's support to impose a 100 metre setback from the State Forest (southern and western boundaries of Lot 901).

Planning framework

Attachment 5 summarises the planning framework relating to the proposal and site with relevant policies and provisions from a State and local level.

COMMENT:

The proposed outbuilding, for use as a machinery shed, is supported as it is consistent with LPS3 and Local Planning Strategy objectives to promote agriculture. The only issue with the proposal is the setback of the outbuilding from the State Forest. Options for the outbuilding setback from the State Forest (southern and western boundaries of Lot 901) include:

- 10 metres and 13 metres (the revised proposal from the landowner);
- 20 metres and 20 metres (standard minimum from LPS3);
- 100 metres and 100 metres (as proposed by DEC); or
- other setbacks.

It is recommended that Council approve the Planning Application, including requiring the outbuilding to be setback a minimum of 20 metres from the southern and western boundaries. This follows assessment against LPS3, the Local Planning Strategy, Local Planning Policies, State Planning Policies, advice from DEC and the landowner.

The landowner's comments in Attachment 4 are noted including the topographical lay of the land. However, it is suggested a 20 metre setback is more appropriate from the southern and western boundaries given:

- a recent site inspection reveals that the location of the outbuilding could readily be moved from 10 and 13 metres as proposed by the landowner to

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20 metres from both boundaries. The gradient of the area has a gradual slope, which does not restrict the development from being constructed and is likely to result in minimal additional site costs;

- the subject property is over 66 hectares in size providing ample space for the outbuilding to be located with consideration of adjoining land uses;
- DEC's advice raising concerns regarding impacts on DEC's management of the State Forest;
- clause 4.13.3.3 of LPS3 requires development to generally be setback 20 metres from boundaries within the Agricultural Priority 2 zone; and
- consistency to address proposals for non-habitable buildings adjoining the DEC estate.

DEC's advice regarding a 100 metre setback is considered better practice to minimise bush fire risks and the potential for incompatibility between the DEC estate and people and buildings on Lot 901. This is a standard DEC request for development adjoining DEC managed land to reduce the potential for land use conflict associated with management activities carried out by DEC.

While noting the above, given a non-habitable building is proposed and LPS3 sets a 20 metre setback in the Agricultural Priority 2 Zone, it is considered there are not strong grounds to impose a 100 metre setback. Some Local Planning Schemes in the South-West Region set a greater setback for development adjoining DEC managed land, however this is not in LPS3. This matter is likely to be reconsidered in the review of LPS3.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3.

POLICY IMPLICATIONS:

Nil at this stage.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

A consistent approach is required for habitable and non-habitable buildings adjacent to DEC managed land.

RECOMMENDATION:

That Council approve the Planning Application for an outbuilding (machinery shed) at Lot 901 Cundinup South Road, Cundinup subject to the following conditions:

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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 Planning 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. The outbuilding is setback at least 20 metres to the southern and western boundaries and plans demonstrating the amended site plan are to be submitted to the local government as part of the Building Permit application.
4. The outbuilding is not used for habitable purposes.
5. The proponent to provide details of fire fighting equipment and measures as part of the Building Permit Application to the satisfaction of the local government, which are implemented prior to occupation.

Advice

- A) The proponent is advised that this Planning 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) The proponent is advised that the approved development must comply with all relevant provisions of the Health Act, 1911 (as amended) and the Building Code of Australia.
- C) In relation to Condition 3, the 20 metre setback area should be maintained at low fuel levels, along with low fuel areas being maintained on the eastern and northern sides of the machinery shed.
- D) The site adjoins lands managed by the Department of Environment and Conservation and some or all of the following management activities may occur in the adjoining State Forest from time to time:
 - prescribed burning;
 - aerial and ground baiting with approved poisons to control introduced predators of native fauna; and
 - application of herbicides and other chemicals for weed and plant disease control.

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- E) The proponent should identify and seek to secure vehicular access to the property via adjoining freehold land or through entering into an agreement with Department of Environment and Conservation in relation to informal access through the State Forest.

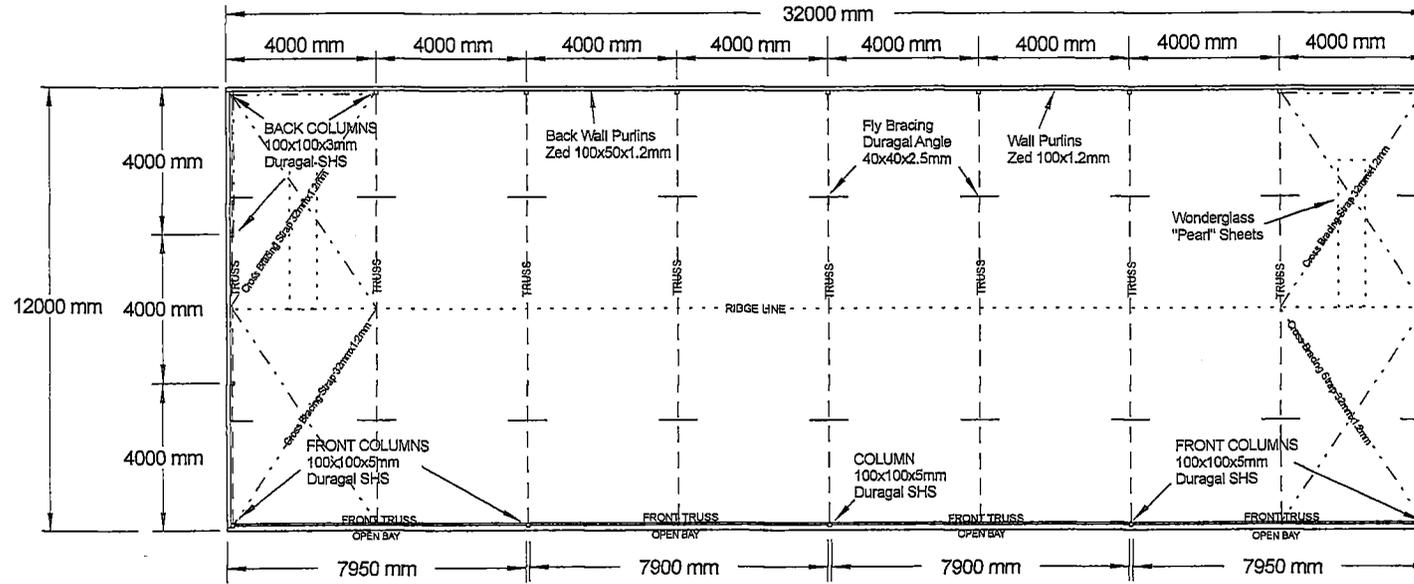
- F) Part 14 of the Planning and Development Act 2005 provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal.

PROPOSED MACHINERY SHED

SCALE: 1:200

PLAN VIEW

SR & BT Brown
RMB 314 Cundinup South Road
NANNUP WA 6275



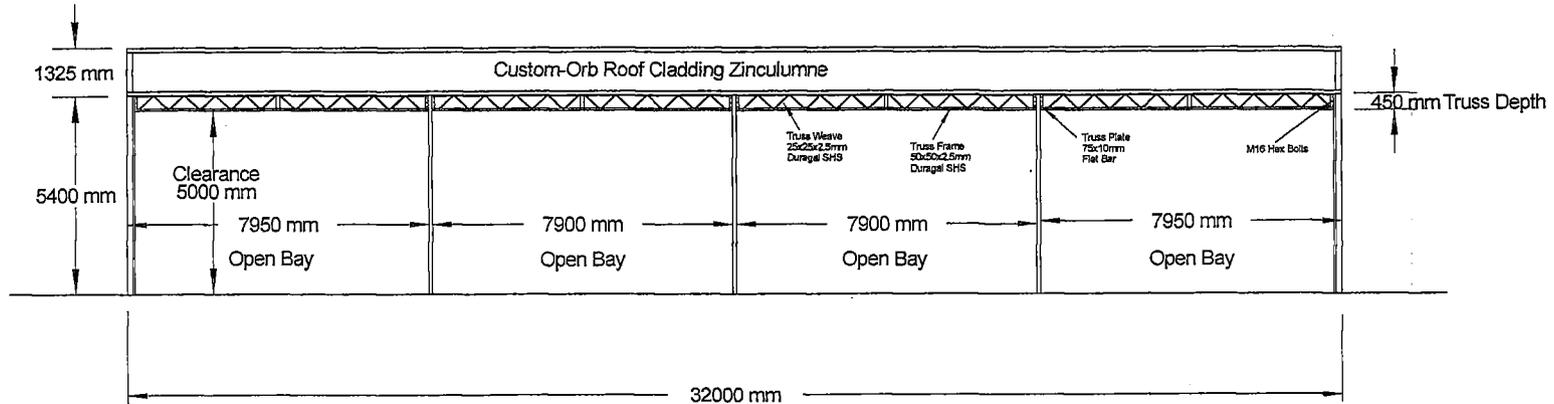
Drawn By: Mark Tomas
BJ & FH TOMAS
RMB 330 Cundinup South Road
NANNUP WA 6275 Ph/Fax: 97562057
Email: mtomas@westnet.com.au

PROPOSED MACHINERY SHED

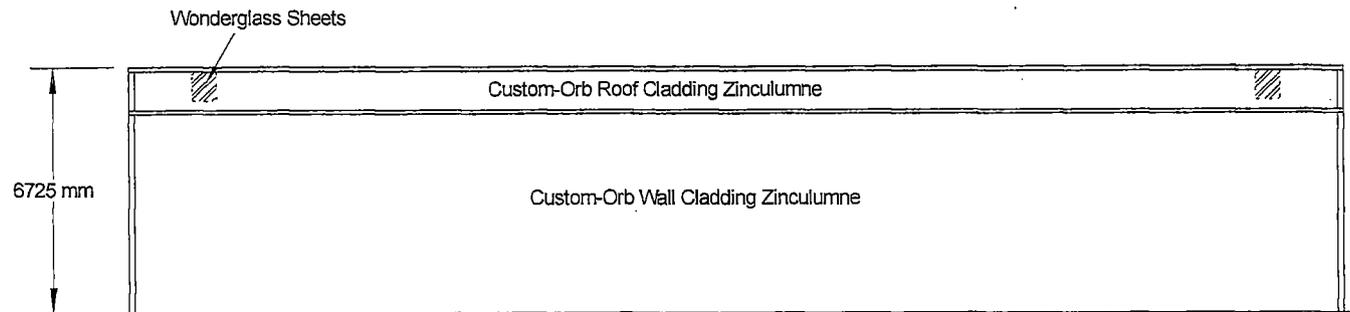
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SR & BT Brown
RMB 314 Cundinup South Road
NANNUP WA 6275

FRONT VIEW



BACK VIEW

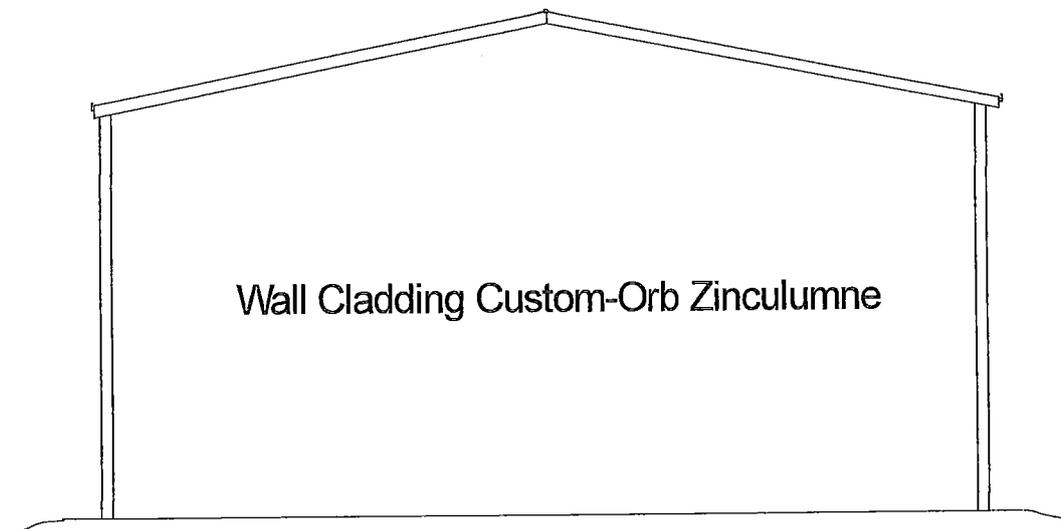
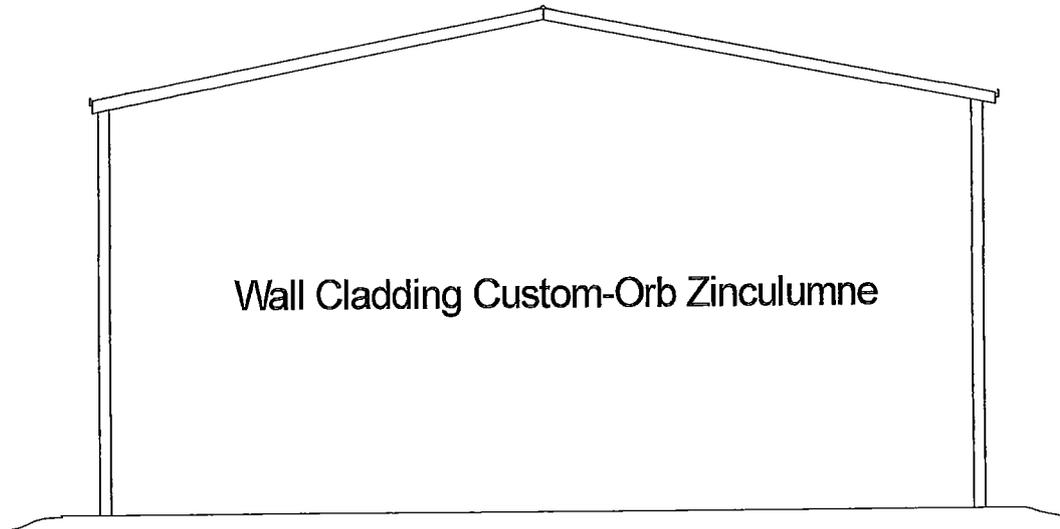


PROPOSED MACHINERY SHED

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SR & BT Brown
RMB 314 Cundinup South Road
NANNUP WA 6275

END VIEWS

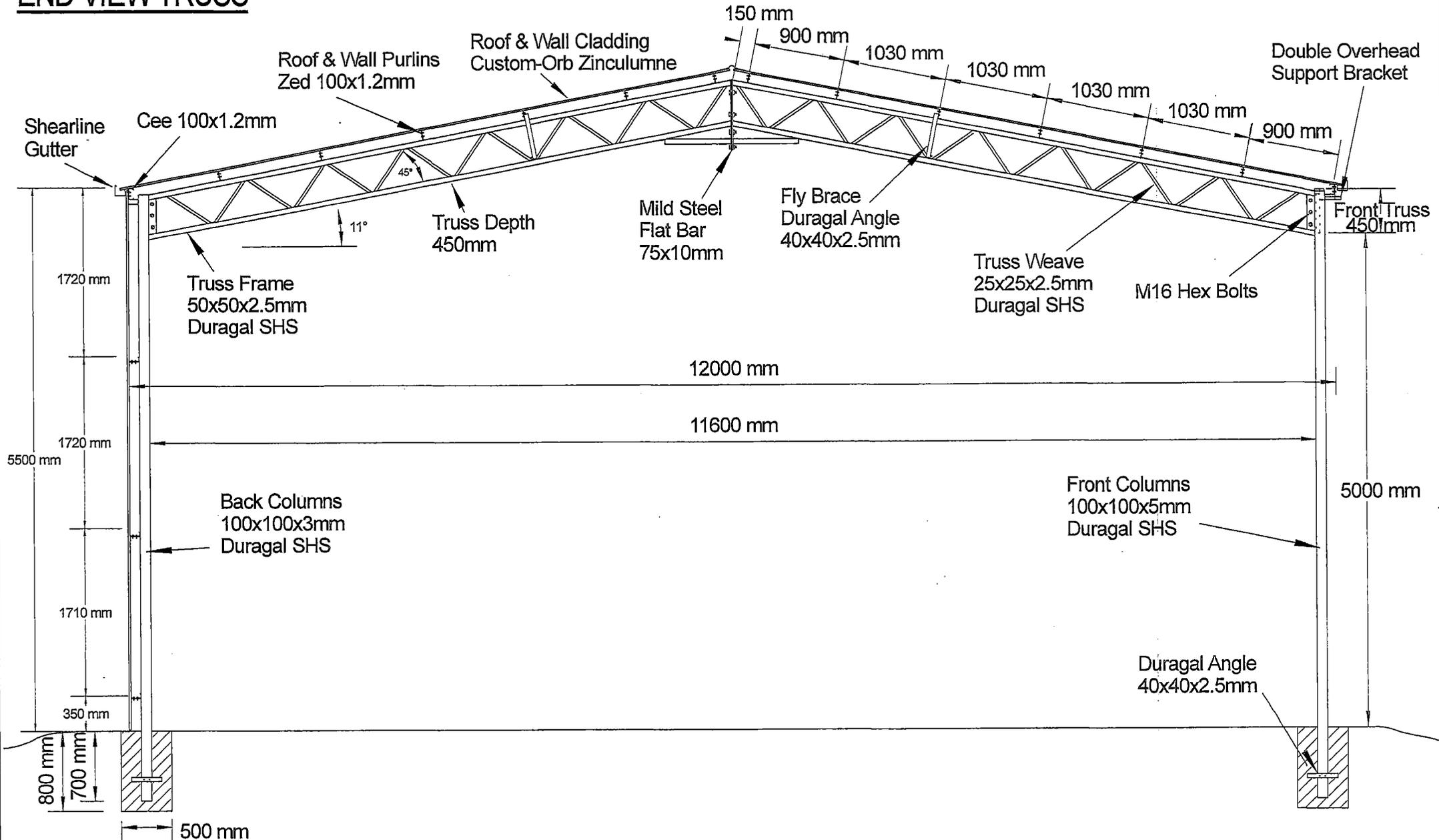


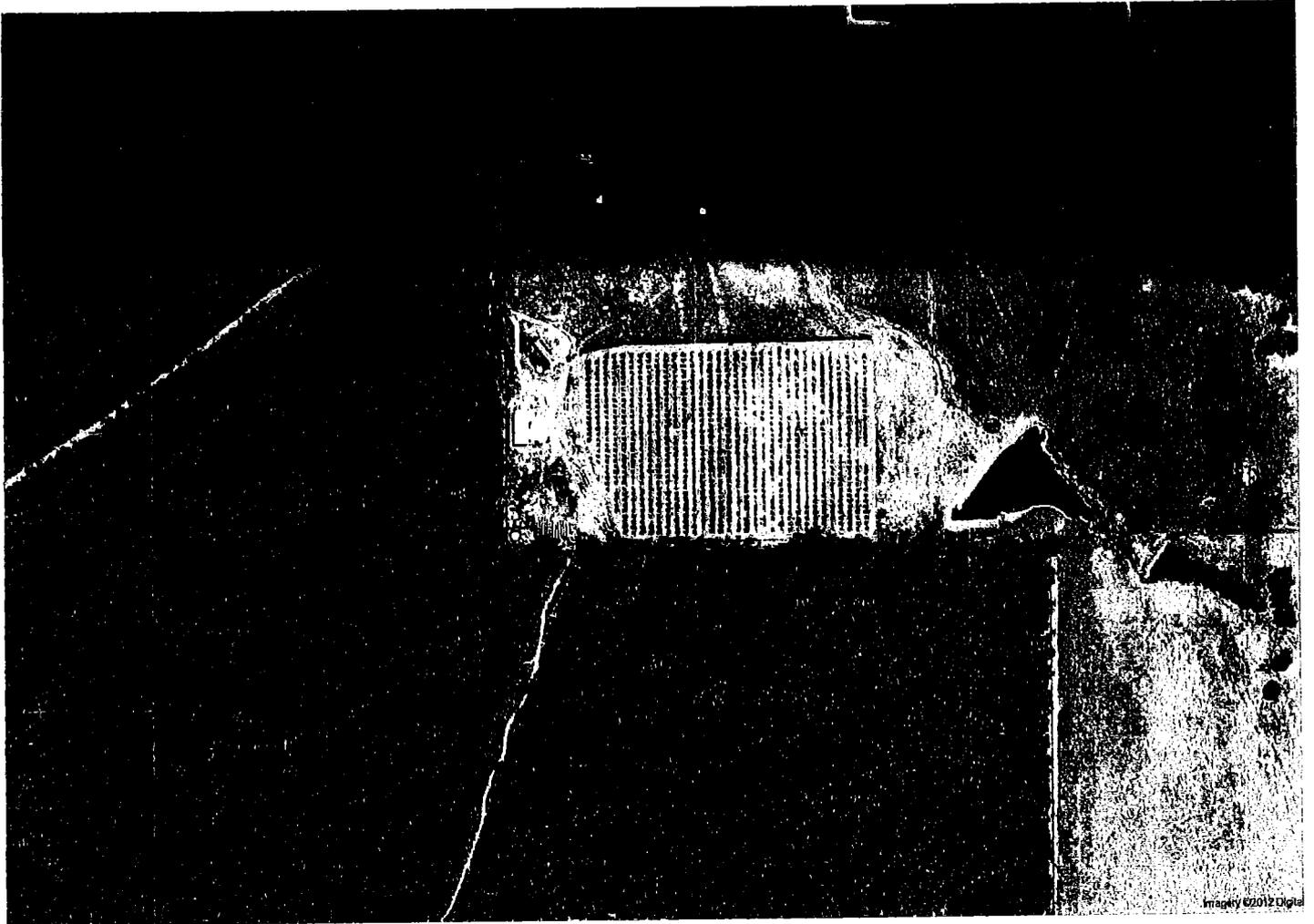
PROPOSED MACHINERY SHED

SR & BT Brown.
RMB 314 Cundinup South Road
NANNUP WA 6275

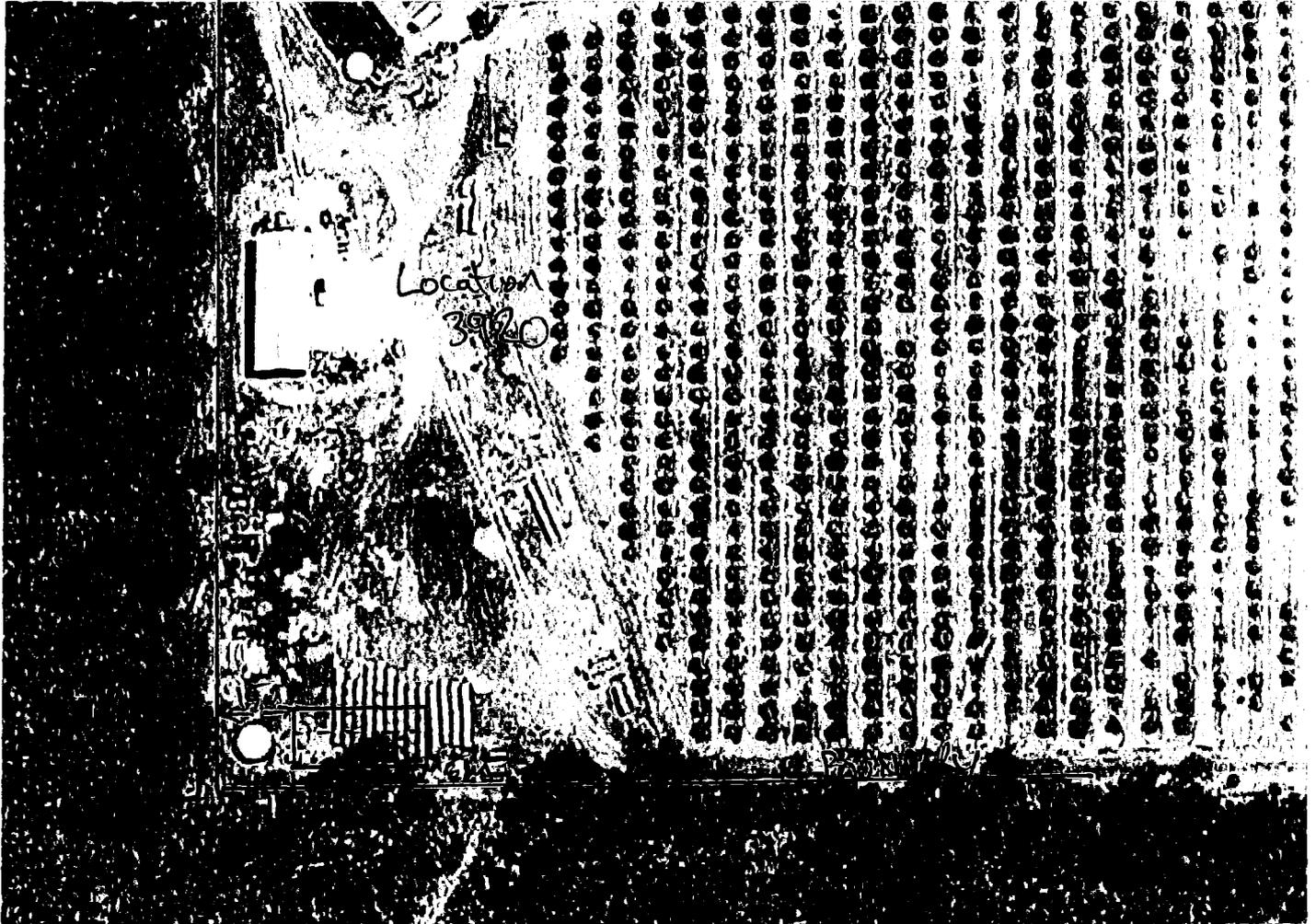
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END VIEW TRUSS





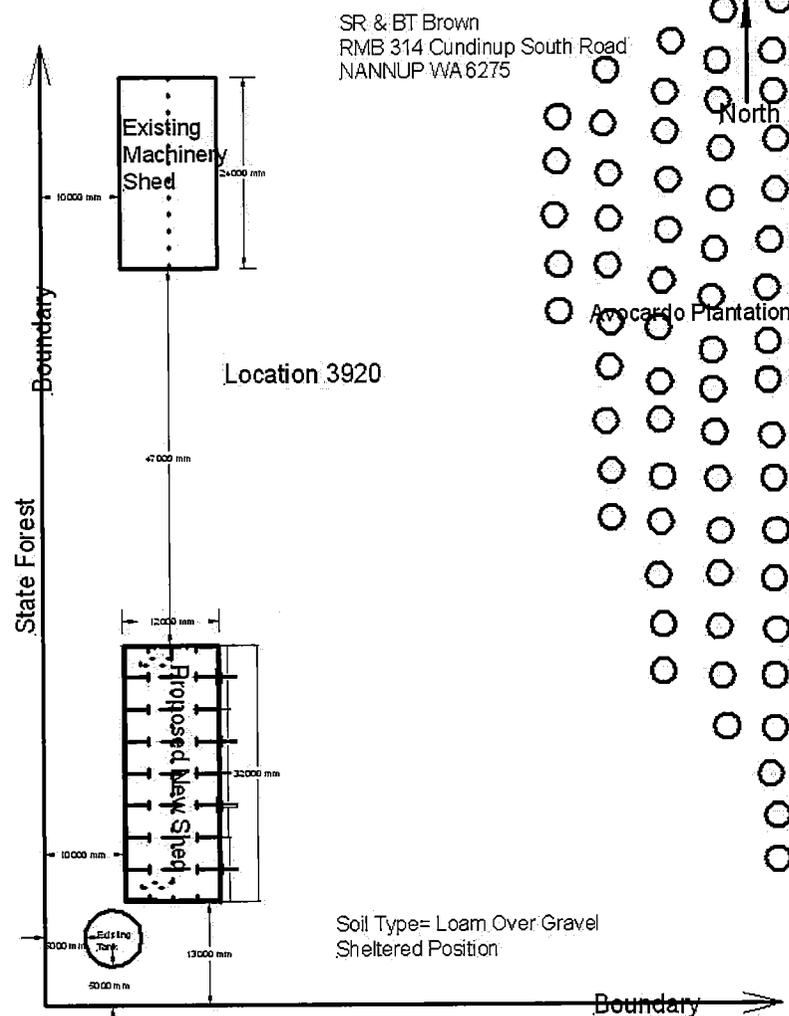
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North



SITE PLAN VIEW PROPOSED MACHINERY SHED

SCALE: 1:500

SR & BT Brown
RMB 314 Cundinup South Road
NANNUP WA 6275



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NANNUP WA 6275
Email: mark@wshel.com.au
Phone: 08 94262350

State Forest



Government of **Western Australia**
Department of **Environment and Conservation**

Your ref: A1376
Our ref: PRS 32776 2006/003775
Enquiries: Tracy Teede
Phone: 9725 4300
Fax: 9725 4351
Email: swmanduseplanning@dec.wa.gov.au

Chief Executive Officer
Shire of Nannup
PO Box 11
NANNUP WA 6275

SHIRE OF NANNUP			
RECEIVED			
Ref: <u>A1376</u>		No. <u>202/362</u>	
28 AUG 2012			
CEO MCS VVM MDS	AO EO CDO CR:	LIB PUB	FMO YO RO
Wendy			

ATTENTION: Robert Jennings

**PROPOSED BOUNDARY SETBACK REDUCTION FOR NEW MACHINERY SHED –
LOT 901 (LOCN 3920) CUNDINUP SOUTH ROAD NANNUP**

I refer to your letter of 1 August 2012 forwarding a development application for the above property for the Department of Environment and Conservation's (DEC) consideration and comment.

The following comments are provided on the proposal.

DEC notes that Lot 901 was created from the approved Western Australian Planning Commission (WAPC) 136217 subdivision. Lot 901 was shown as Lot A on the proposed WAPC 136217 subdivision plan.

DEC provided comments dated 4 March 2008, on the WAPC 136217 subdivision application. A copy of the WAPC 136217 Approval and the WAPC 136217 DEC comments are attached.

Lot 901 is adjacent to the Jarrahwood State forest managed by DEC. Approval of the development should not result in impositions being placed upon the management of the adjoining DEC managed lands.

The vegetation on the adjoining State forest would be considered to be an extreme bushfire hazard. As a Hazard Management Agency for bushfire on the adjacent DEC managed lands, it is likely that DEC would be the lead agency for bushfire suppression in the event of a bushfire in the vicinity of the subject property.

DEC 2008 comments to WAPC also advised that approval of the subdivision should not result in impositions being placed upon the management of the adjoining DEC managed lands by prospective lot owners.

DEC also advised WAPC that the *Planning for Bushfire Protection* document seeks a 100m Hazard Separation Zone between areas of extreme bushfire hazard and buildings. The 100 metre Hazard Separation Zone is designed to provide a degree of protection for people and property from wildfire occurring on land supporting such dense shrub land. DEC strongly supports this policy.

DEC notes the machinery shed location as proposed, would be 5m from the adjacent extreme bushfire hazard vegetation, which does not meet the required setback standard. The development application should also include information in relation to the construction standard of the proposed building and compliance with *Edition 2 of Planning for Bush Fire Protection Guidelines (May 2010)* considered necessary for any building construction. Any access ways would also be required to meet bushfire standards.

South West Region
South West Highway, Bunbury WA 6230
Phone: 08 97254300 / Fax: 08 97254351
PO Box 1693, Bunbury, WA 6230
www.dec.wa.gov.au

DEC notes the WAPC 136217 Approval included a requirement for the proponent to prepare and implement a Fire Management Plan (FMP). A copy of any current FMP was not forwarded to DEC as part of this proposal.

DEC notes that the WAPC 136217 Approval included an advice note advising the proponent to identify possible alternative access through State forest from the proposed Lot A and that if an alternative access route could not be identified the proponent would need to enter into an agreement with DEC in relation to informal access through State forest.

DEC is not aware if the land owner has identified any possible alternative access routes. DEC advises that currently there is no informal access agreement for Lot 901.

If alternative access routes have been investigated, and no suitable alternative has been identified, then the owner would need to apply in writing to the DEC for informal access through State forest. The request must provide a clear map indicating the requested route through State forest and include details of the relevant Lot address and landowner.

The owner should address the request to:

District Manager
Department of Environment and Conservation
Blackwood District office
14 Queen Street BUSSELTON WA 6280

It is the expectation of DEC that environmental planning issues including those not specifically referred to in this letter will be appropriately managed through the planning system.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the DEC South West Region office if you have any queries regarding this advice.



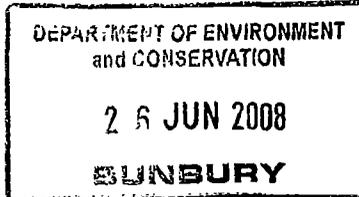
For Regional Manager

24 August 2012

Att.

cc: Department of Environment and Conservation, Blackwood

Your Ref : 2003F203
Enquiries : Clive Reed



A. Ennis - South West
Department Of Environment And Conservation
Po Box 1693
BUNBURY WA 6231

ACTION	NOTE
	DM/BWJ
	Cherie Kemp
DOC No.	SW 25227
FILE No.	2006/003775

**Approval Subject To Condition(s)
Freehold (Green Title) Subdivision**

Application No : 136217

Planning and Development Act 2005

AE
26/6/08

Applicant	: Thompson Mc Robert Edgeloe P O Box 733 BUNBURY WA 6231
Owner	: Shayne Rohan Brown R M B 314 Cundinup Road Sout NANNUP WA 6275 AND Bobbie Terrace Brown R M B 314 Cundinup Road South NANNUP WA 6275
Application Receipt	: 30 October 2007

Lot number	: 5, 20, 800 & 801, 1479, 3920, 9798
Location	:
Diagram/Plan	: 55024, 91670, 302685, 113230, 136920, 153592
C/T Volume/Folio	: 1685/958, 2103/316, 1065/450, 1016/860, 1064/836, 230/29a
Street Address	: Lot 5 Perks Road, Nannup
Local Government	: Shire of Nannup

The Western Australian Planning Commission has considered the application referred to and is prepared to endorse a deposited plan in accordance with the plan date-stamped 30 October 2007 once the condition(s) set out have been fulfilled.

This decision is valid for four years from the date of this advice, which includes the lodgement of the deposited plan within this period..

The deposited plan for this approval and all required written advice confirming that the requirement(s) outlined in the condition(s) have been fulfilled must be submitted by 24 June 2012 or this approval no longer will remain valid.



Reconsideration - 28 days

Under section 151(1) of the *Planning and Development Act 2005*, the applicant/owner may, within 28 days from the date of this decision, make a written request to the WAPC to reconsider any condition(s) imposed in its decision. One of the matters to which the WAPC will have regard in reconsideration of its decision is whether there is compelling evidence by way of additional information or justification from the applicant/owner to warrant a reconsideration of the decision. A request for reconsideration is to be submitted to the WAPC on a Form 3A with appropriate fees. An application for reconsideration may be submitted to the WAPC prior to submission of an application for review. Form 3A and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Right to apply for a review - 28 days

Should the applicant/owner be aggrieved by this decision, there is a right to apply for a review under Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted in accordance with part 2 of the *State Administrative Tribunal Rules 2004* and should be lodged within 28 days of the date of this decision to: the State Administrative Tribunal, 12 St Georges Terrace, Perth, WA 6000. It is recommended that you contact the tribunal for further details: telephone 9219 3111 or go to its website: <http://www.sat.justice.wa.gov.au>

Deposited plan

The deposited plan is to be submitted to the Western Australian Land Information Authority (Landgate) for certification. Once certified, Landgate will forward it to the WAPC. In addition, the applicant/owner is responsible for submission of a Form 1C with appropriate fees to the WAPC requesting endorsement of the deposited plan. A copy of the deposited plan with confirmation of submission to Landgate is to be submitted with all required written advice confirming compliance with any condition(s) from the nominated agency/authority or Local Government. Form 1C and a schedule of fees are available on the WAPC website: <http://www.wapc.wa.gov.au>

Condition(s)

The WAPC is prepared to endorse a deposited plan in accordance with the plan submitted once the condition(s) set out have been fulfilled.

The condition(s) of this approval are to be fulfilled to the satisfaction of the WAPC.

The condition(s) must be fulfilled before submission of a copy of the deposited plan for endorsement.

The agency/authority or Local Government noted in brackets at the end of the condition(s) identify the body responsible for providing written advice confirming that the WAPC's requirement(s) outlined in the condition(s) have been fulfilled. The written advice of the agency/authority or Local Government is to be obtained by the applicant/owner. When the written advice of each identified agency/authority or Local Government has been obtained, it should be submitted to the WAPC with a Form 1C and appropriate fees and a copy of the deposited plan.



If there is no agency/authority or Local Government noted in brackets at the end of the condition(s), a written request for confirmation that the requirement(s) outlined in the condition(s) have been fulfilled should be submitted to the WAPC, prior to lodgement of the deposited plan for endorsement.

Prior to the commencement of any site works or the implementation of any condition(s) in any other way, the applicant/owner is to liaise with the nominated agency/authority or Local Government on the requirement(s) it considers necessary to fulfil the condition(s).

The applicant/owner is to make reasonable enquiry to the nominated agency/authority or Local Government to obtain confirmation that the requirement(s) of the condition(s) have been fulfilled. This may include the provision of supplementary information. In the event that the nominated agency/authority or Local Government will not provide its written confirmation following reasonable enquiry, the applicant/owner then may approach the WAPC for confirmation that the condition(s) have been fulfilled.

In approaching the WAPC, the applicant/owner is to provide all necessary information, including proof of reasonable enquiry to the nominated agency/authority or Local Government.

The condition(s) of this approval, with accompanying advice, are:

CONDITION(S):

1. The subdivider is to prepare and implement a Fire Management Plan that demonstrates that the requirements of the 'Planning for Bush Fire Protection' have been satisfied, with respect to meeting the contained fire protection performance criteria. (Fire and Emergency Services Authority)
2. Those lots not fronting an existing road being provided with frontage to a constructed road(s) connected by a constructed road(s) to the local road system and such road(s) being constructed and drained at the applicant/owner's cost. As an alternative the WAPC is prepared to accept the applicant/owner paying to the Local Government the cost of such road works as estimated by the Local Government subject to the Local Government providing formal assurance to the WAPC confirming that the works will be completed within a reasonable period as agreed by the WAPC. (Local Government)
3. Suitable arrangements being made with the Local Government for the provision of vehicular crossover(s) to service the lot(s) shown on the approved plan of subdivision. (Local Government)
4. The subdivider initiating with Council the closure of any unnecessary portions of road reserves within the subject land. (Local Government)
5. A Conservation Covenant with the Department of Environment and Conservation, pursuant to section 129BA of the Transfer of Land Act 1893 (as amended), is to be placed on the Certificates of Title of proposed lots B, C & F advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction to be included on the Deposited Plan. (DEC)



6. Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) is to be placed on the Certificates of Title of the proposed lot(s) advising that:

The subject property adjoins State Forest. Some or all of the following approved activities may occur in the State Forest from time to time:

Prescribed burning for conservation and/or fire hazard reduction purposes;

Baiting with poison to control predators of native fauna.

Timber harvesting and regeneration in accordance with a Government approved forest management plan.

Application of herbicides and other chemicals for weed and plant disease control.

The forest is a gazetted Disease Risk Area and vehicle access is not permitted without a permit issued by the government agency responsible for management of the State forest.

Any queries that intending purchasers may have about these and other approved uses that may be intended for the adjoining State Forest should be made to the local Department of Environment and Conservation. (DEC)

7. All buildings and effluent disposal systems having the necessary clearance from the new boundaries as required under the relevant legislation. (Local Government)

ADVICE:

- i) The Department of Environment and Conservation advises that the proponent should identify any alternatives to the access through State forest from proposed Lot A. In the event that an alternative cannot be identified, the proponent will need to enter into an agreement with DEC in relation to informal access through State forest.

Yours Faithfully

Moshe Gilovitz
Secretary
Western Australian Planning Commission
24 June 2008



Department of Environment and Conservation

Your ref: 136217
Our ref: 2003F203
Enquiries: John Carter
Phone: 08 9752 5555
Fax: 08 9752 1432
Email: blackwood@dec.wa.gov.au

Department for Planning and Infrastructure
Sixth floor "Bunbury Tower"
61 Victoria Street
BUNBURY WA 6230
Attn: Clive Reed

COPY

DEPARTMENT OF ENVIRONMENT and CONSERVATION
7 MAR 2008
BUNBURY

Table with columns ACTION and NOTE. Includes handwritten file no. 2006/003775 and SW 23409.

AE 2/3/08

Dear Clive

LOT 5 PERKS ROAD, NANNUP (WAPC 136217)

Thank you for your letter of 31 October 2007 allowing the Department of Environment and Conservation (DEC) the opportunity to comment on the proposed subdivision of Lot 5, 20, 800 & 801, 1479, 3920 & 9798 Perks Road, Nannup. The DEC does not support the proposed subdivision as proposed for reasons outlined below. If the subdivision is approved, the DEC requests that the following recommendations and advice notices are placed on the subdivision approval notice.

Remnant Vegetation

A significant proportion of proposed Lots B and C contain remnant vegetation. The remnant vegetation within the proposed Lots is vegetation complex Bridgetown (BT), which is significant in that only 15% of the pre-European extent remains of this vegetation type and only 1% protected within secure (IUCN category I-IV) conservation reserves.

The remnant vegetation on proposed Lots B and C also provides an ecological linkage between other existing remnant vegetation to the north, south and east. The lots contain a number of watercourses with riparian vegetation.

Given the poor representation of the vegetation complexes and the value as an ecological linkage, any further clearing of this vegetation should be avoided or minimised. Where possible any development should be located on previously cleared areas.

The land proposed for subdivision is currently zoned rural and the subdivision application indicates that the proposed land use is to remain as farming. The proponent states that the aim of the subdivision is to sell the less productive land, meaning the proposed lots with large areas of remnant vegetation, and that these areas are seen by some as a liability. Given the subdivision would result in smaller lots and that a significant proportion of proposed Lots B and C would contain remnant vegetation, it appears that the proposal would be creating lots that would not be viable for farming. The creation of the lots as proposed would result in greater pressures to clear the remnant vegetation.

The application refers to the proposed Lots accommodating additional dwellings. It appears that each of the proposed lots would contain existing cleared areas that could accommodate a dwelling, however the provision of fire management measures such as hazard separation zones may result in the clearing or modification of remnant vegetation. This particularly relates to proposed Lots B, C and F.

It is noted that a similar proposed subdivision at this locality was refused by the WAPC (122554) in May 2004. The then Department of Conservation and Land Management opposed this subdivision on the basis that the proponent had not outlined the proposed land use of the lots and whether or not clearing of remnant vegetation was involved.

Should the subdivision be approved as proposed, the remnant vegetation on the lots should be protected. The proponent states that the subdivision will seek to protect the areas of remnant vegetation but does not specify what mechanism will be used to ensure this protection.

Given the extent and conservation values of the remnant vegetation on proposed Lots B, C and F, a conservation covenant with either the National Trust or DEC may be an appropriate mechanism to protect the conservation values within the project area. A covenant would take at least six months to prepare, from the point of contact. DEC's Nature Conservation Covenant staff would need to carry out an assessment of the nature conservation values, flora/fauna surveys, draft Fire Management Plan, lot site plan and impacts of the proposal before entering into an agreement to protect the site by way of a Nature Conservation Covenant.

Recommended Condition

Satisfactory arrangements being made with the Western Australian Planning Commission and at the subdivider's expense, for restrictive covenants in gross on the proposed lots B, C and F to run with the land and successors in title to ensure maintenance of the conservation and landscape values of the land in perpetuity. (DEC)

Advice Note

An agreement for a DEC nature conservation covenant will be subject to an assessment of the nature conservation values, flora/fauna surveys, draft Fire Management Plan, lot site plan and impacts of the proposal.

Adjacent State Forest

Approval of the subdivision should not result in impositions being placed upon the management of the adjoining Department lands by prospective lot purchasers. The owners should lodge a notice on title under Section 70A of the Transfer of Land Act, to advise prospective purchasers of activities that may occur on the adjacent State forest.

Recommended Condition

Notification in the form of a section 70A notification, pursuant to the Transfer of Lands Act 1893 (as amended) to be placed on the Certificates of Title of the proposed lot(s) advising that:

The property adjoins State forest and that some or all of the following approved activities may occur in the State forest from time to time.

- *Prescribed burning for conservation and/or fire hazard reduction purposes.*
- *Timber harvesting and regeneration in accordance with a Government approved forest management plan.*
- *Baiting with poison to control predators of native fauna.*
- *Application of herbicides and other chemicals for weed and plant disease control.*

The forest is a gazetted Disease Risk Area and vehicle access is not permitted without a permit issued by the government agency responsible for management of the State forest.

Any queries that intending purchasers may have about these and other approved uses that may be intended for the adjoining State forest should be made at the local office of the Department of Environment and Conservation (or the government agency responsible for management of the land).

(DEC)

Fire Management

All fire protection requirements should be provided on the property itself. Amongst other requirements, the *Planning for Bushfire Protection* (FESA and WA Planning Commission, 2001) document seeks a 100-metre Hazard Separation Zone between areas of Extreme Bushfire Hazard and buildings. DEC supports this policy. The 100 metre Hazard Separation Zone is designed to provide a degree of protection for people and property from wildfire occurring on lands supporting such dense bushland. The DEC considers that this can be achieved on all proposed Lots.

Advice Note

Fire management provisions should be made to ensure the safety of house occupants without dependence upon management provisions for the adjoining State forest.

Access

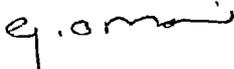
Access to proposed Lot A is on an ungazetted forest track through State forest. As part of the subdivision process the proponent should be requested to take the opportunity to identify and assess any alternatives to this access through State forest, such as obtaining legal access through adjoining freehold land. In the event that an alternative cannot be identified, the proponent will need to enter into an agreement with DEC in relation to informal access through State forest.

Advice note

The proponent should identify any alternatives to the access through State forest from proposed Lot A, such as obtaining legal access through adjoining freehold land. In the event that an alternative cannot be identified, the proponent will need to enter into an agreement with DEC in relation to informal access through State forest.

If you require clarification on any point, please contact John Carter on 08 9752 5555.

Yours sincerely



Greg Mair
DISTRICT MANAGER

4 March 2008

SITE PLAN VIEW

PROPOSED MACHINERY SHED

SR & BT Brown
RMB 314 Cundinup South Road
NANNUP WA 6275

SCALE: 1:500

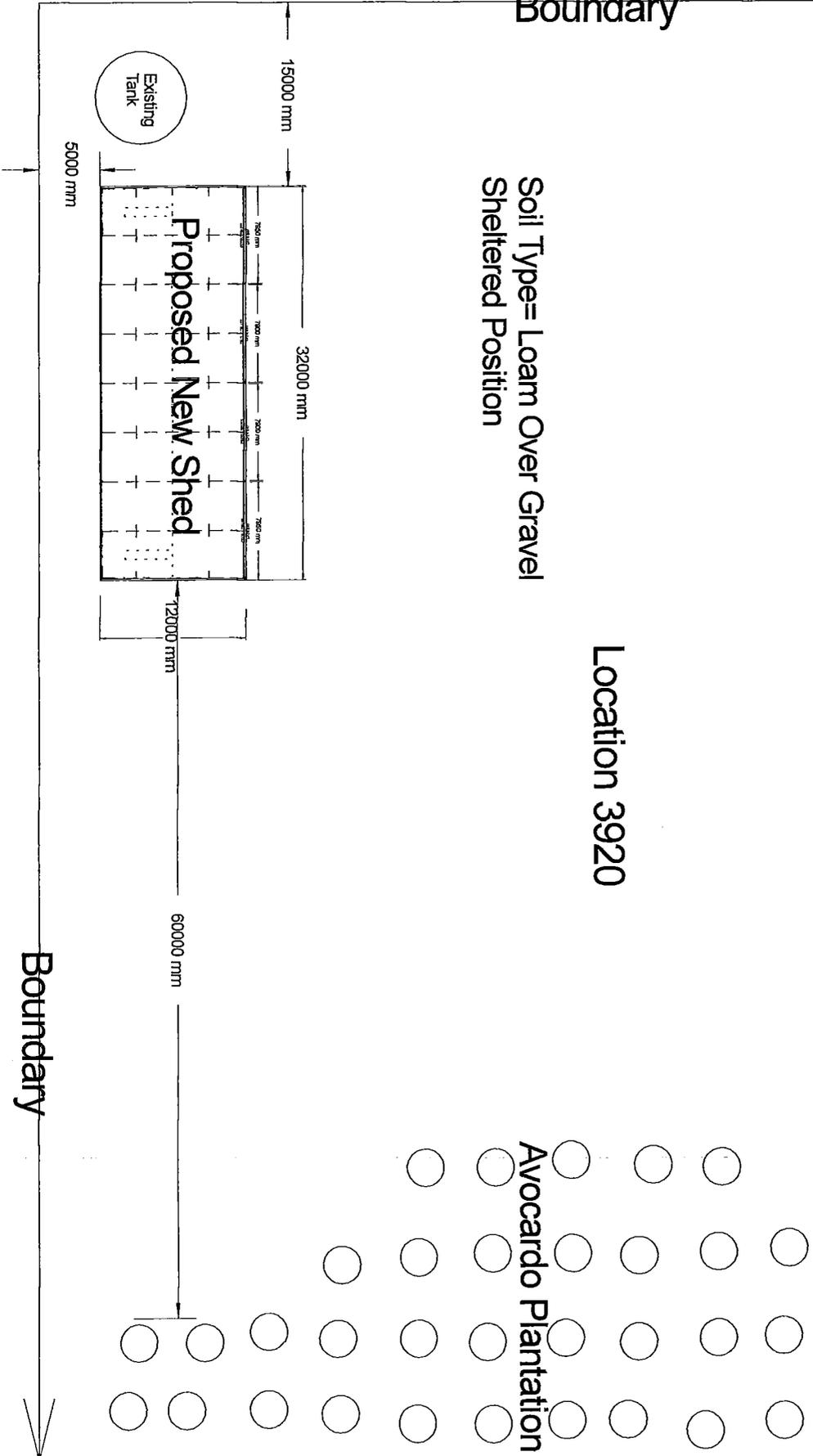


State Forest

Boundary

Location 3920

Soil Type= Loam Over Gravel
Sheltered Position



State Forest

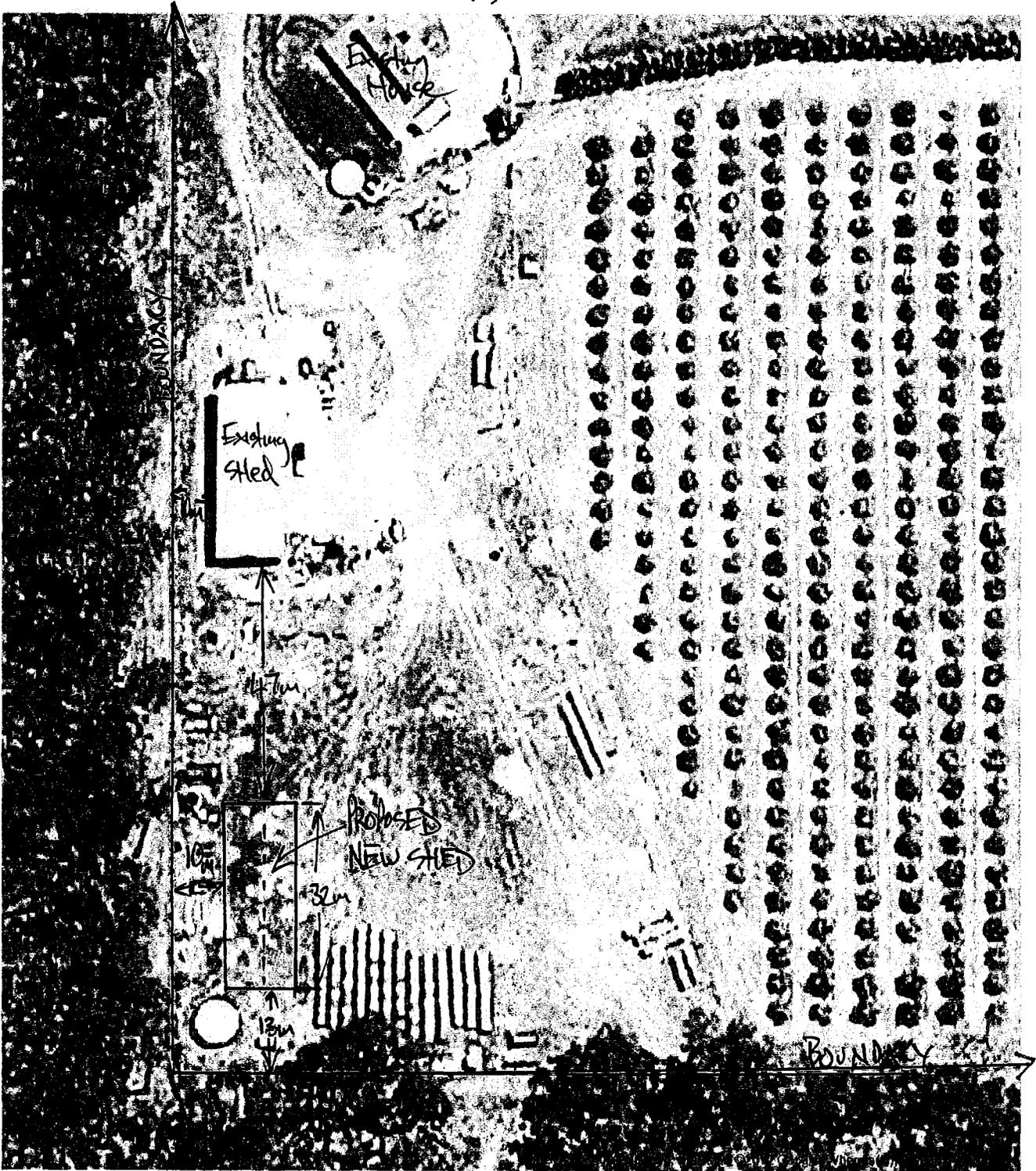
Boundary

Drawn By: Mark Tomas
BJ & FH TOMAS
PMB 330 Cundinup South Road
NANNUP WA 6275Ph/Fax:97562067
Email: mtomas@westnet.com.au

Google

SR+BT BROWN
RSM 314 WALDRUP SOUTH ROAD
NANNUP WA 6275

To see all the details that are visible on the screen, use the "Print" link next to the map.



4th September 2012

To Whom It May Concern,

I am proposing to build a machinery shed on our property, 13.5kms NE of Nannup at RSM 314 South Cundinup Road. I have been informed by the people erecting the shed that I cannot build any closer than 20 metres from the boundary, this is an impractical distance from the boundary in this occasion. I am asking that this may be waived and have a set back of no less than 10 metres from the western boundary and no less than 13 metres from the southern boundary.

The reasons for this proposal are:

1. I have limited area on this property to build this structure due to other dwellings already built together with an avocado orchard nearby.
2. A twenty metre set back x the length of the shed which is 32 metres is a large piece of land that would be unutilised which would later impend future developments.
3. We already have a machinery shed which is set back at 10 metres of the western boundary and a large concrete water tank which is set back 5 metres of the southern and western boundaries. The shed would be built along side the water tank.
4. The topographical lay of the land if of concern to me by bringing the shed 20 metres off of the boundary the land starts to slope away creating more expense to the site works and may cause some erosion issues, it will also make it more difficult to capture the rain off the roof for storage purposes
5. Looking at the bush fire and deck management issues 10 metres is more than enough room to drive a fire truck past. On the other side of the boundary there is already a fire break of 6.5 metre before the vegetation starts. To the southern end of the shed on the other side of the boundary a 4.5 metre fire break already exists. I believe the fire risk to be minimal, I am fully aware of what hush fires are capable of as I have been a member of our local fire brigade for over 20 years.

I hope you will give due consideration to my proposal and give a positive outcome.

Yours sincerely

Shayne Brown
RSM 314
South Cundinup Road
NANNUP WA 6280
97562002

Planning framework

Shire of Nannup Local Planning Scheme No. 3

The land is zoned "Agriculture Priority 2" in LPS3. The following are some of the relevant objectives and requirements that relate to development in general and then specifically in the Agriculture Priority 2 Zone.

Clause 1.6 in part states "The local government's general intentions are:

- (c) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (d) To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses.
- (e) To protect and enhance the environmental values and natural resources of the Shire and to promote ecologically sustainable land use and development."

Clause 4.2 sets out the objective for the Agricultural Priority 2 Zone which is "To provide for the continued establishment of agricultural operations, whilst allowing, where appropriate, limited forms of non-agricultural development."

The following is from sub-clause 4.13.3 for the Agriculture Priority 2 Zone:

"Specific Objectives of the Zone

- (a) To conserve the productive potential of the land and support the continued development of large scale agricultural establishments;
- (b) To preserve the rural character and setting of the zone; and
- (c) To ensure that any non-agricultural development is complementary to the predominant agricultural use and capability of the land".

"4.13.3.3 Building Setbacks

Development is to be setback 20 metres from all boundaries."

Clause 5.6, titled "Variations to Site and Development Standards and Requirements", in part states:

"if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

"5.6.3 The power conferred by this clause may only be exercised if the local government is satisfied that:

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”

Sub-clause 5.8.2.1 states:

The local government may, by adopting the procedures of clause 9.4, 'Advertising of Applications' reduce the boundary setback(s) within any zone provided that:

- (a) The proposed reduction will not adversely impact upon adjoining development (or the residents thereof) or prejudice the long-term coordinated development of the street.
- (b) The local government is satisfied that adequate off-street parking is available at the side or rear of the proposed development and access to that parking can be obtained from the adjoining road carriageway.
- (c) Traffic flow within the lot and on the adjoining road network will not be adversely affected.
- (d) The design and proposed standard of finish of the proposed development is of sufficient quality to justify a reduction in setback requirements.”

Clause 10.2, titled “Matters to be Considered by Local Government”, in part states:

“The local government in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application:

- (a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area;
- (b) the Local Planning Strategy;
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (d) any approved Statement of Planning Policy of the Commission;
- (j) the compatibility of a use or development within its setting;
- (n) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, inundation, subsidence, landslip, bush fire or any other risk;
- (za) the comments or submissions received from any authority consulted under sub-clause 10.1.1; and

(zb) any other planning consideration the local government considers relevant.

Shire of Nannup Local Planning Strategy

The Rural Areas Policy Objective is:

“The primary objective of the Council for the rural areas is to facilitate the on-going use of rural areas for activities associated with farming and agricultural production compatible with land capability, whilst protecting and enhancing the landscape and environmental values characteristic of the Shire.”

Land use objectives include to “Support the continued use of rural areas for farming and agricultural pursuits” and “Promote the use of good siting and design of development to minimise fire risks.”

An associated policy includes:

“proposals for development must demonstrate that the development meets appropriate fire hazard and risk standards, and that the development does not adversely affect the fire management regimes of adjacent land owners. Furthermore proposals will have to show appropriate fire fighting measures for the scale of the development proposed.”

The site is located in Precinct NR1 in the Shire of Nannup Local Planning Strategy. Precinct objectives include to:

- “Protect and enhance landscape values of Nannup-Balingup corridor along Blackwood River valley.
- Provide for the sustainable use of land within the agricultural zones, and outside the Townsite Strategy Area, for a range of rural pursuits.”

Planning for Bush Fire Protection Guidelines (Edition 2)

The guidelines seek to reduce bush fire risk including, in part, through appropriate setbacks from extreme bushfire hazards. The associated Australian Standard AS3959 – 2009 *Construction of buildings in bushfire prone areas* sets out that new habitable buildings in bush fire prone areas are to comply with AS3959 – 2009.

Draft Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup

The draft strategy identifies the site of the proposed outbuilding to be a bush fire prone area given it is within 100 metres of extreme bushfire hazard (State Forest).

WORKS & SERVICES

AGENDA NUMBER: 11.3.
SUBJECT: Bush Fire Control Policy Review
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: Policy Manual
AUTHOR: Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST:
DATE OF REPORT: 12 September 2012

Attachment: Draft Policies

BACKGROUND:

Council Bush Fire Control (BFC) policies have not been reviewed since March 1997 and February 1999

COMMENT:

Five BFC policies require updating, the changes that are highlighted in the draft policies are very minor in nature and are required to be changed due to Council and external agency changes. Benefits will allow streamlining of the process and accurate descriptions, as well as assigning responsibility.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: As per below policies

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

Council review and adopt the 5 draft Bush Fire Control Policies as per Attachment 1.

Policy Name:	BFC 1
Policy Type:	Bushfire Control
Policy Name:	Brigade Administration
Policy Owner:	Chief Executive Officer

Authority Shire of Nannup

POLICY

That Council require an annual return of all Brigade Officers to be submitted on or before the 31st day of May of each year.

Further, the Bush Fire Advisory Committee meet on the second ~~Tuesday~~ Monday in February, May and September of each year. This will allow ratification of recommendations by Council and presentation to the Bush Fire Board Committee in time for their meeting agenda. (delete).

The May meeting shall be the Bush Fire Advisory Committee's Annual General Meeting.

Related Policies	
Related Procedures/Documents	
Delegated Level	
Adopted	OM 9 September 1993
Reviewed	OM 9 June 1994 OM 27 March 1997

Policy Number:	BFC 2
Policy Type:	Bushfire Control
Policy Name:	Roadside Burning
Policy Owner:	Chief Executive Officer

Authority Shire of Nannup

POLICY

That Council adopt the following policy regarding road-side burning:

1. Authority to allow road-side burning on Council controlled road reserves shall rest with the area Fire Control Officer and the Chief Executive Officer, jointly.
2. Initially, all requests for road-side burning should be directed to the area Bush Fire Control Officer for the issue of permits, where appropriate.
3. Fire Control Officers should then contact the Chief Executive Officer to obtain permission for the burn, and
4. All necessary safety precautions are to be taken, including the placing of warning signs either end of the burn.

Related Policies	
Related Procedures/Documents	
Delegated Level	
Adopted	OM 9 June 1994
Reviewed	OM 27 March 1997

Policy Number:	BFC 3
Policy Type:	Bushfire Control
Policy Name:	Bushfire Brigade Training
Policy Owner:	Chief Executive Officer

Authority Shire of Nannup

POLICY

That the ~~Shire~~ The Council duty of care recognises the competencies contained in ~~Modules 1,2,3, 4 & 8 of the Bush Fires Board fire fighters course~~ FESA Introduction to Fire Fighting and Bushfire Fighting courses to be the desired minimum requirement for fire fighters on fire ground in the Nannup Shire area.

Related Policies	
Related Procedures/Documents	
Delegated Level	
Adopted	OM 27 February 1997
Reviewed	OM 25 September 1997

Policy Number:	BFC 4
Policy Type:	Bushfire Control
Policy Name:	Maintenance of Equipment
Policy Owner:	Chief Executive Officer

Authority Shire of Nannup

PURPOSE

The purpose of this policy is to clearly define the responsibility for certain expenditures and activities associated with Brigade (Shire) fire fighting equipment.

POLICY

Fuel / Fire retardants: Council,
except when the Brigade is receiving payment for its service
Licence : Council – ESL reclaimed FESA
Insurance : Council – ESL reclaimed FESA
Preventative Maintenance/Serviceing : ESL
Damage/Repairs (not covered by
insurance – less than the \$300 premium): Brigade Shire
Equipment loss : 50% Council, 50% Brigade
General upkeep (weekly checks of
Equipment, cleanliness of equipment) : Brigade
Fire extinguisher inspection : Council

Related Policies	
Related Procedures/Documents	
Delegated Level	
Adopted	OM 22 October 1998
Reviewed	OM 24 June 1999

Policy Number:	BFC 5
Policy Type:	Bushfire Control
Policy Name:	Brigade Vehicles for Driver Training
Policy Owner:	Chief Executive Officer

Authority Shire of Nannup

OBJECTIVE

To facilitate the legal and competent use of large fire appliances by members of Council's volunteer bush fire organisation.

POLICY

The Shire will permit fire fighting units to be used for driver training and to allow Brigade Members to obtain their "B" "HR" Class drivers licence subject to:

- i. The person being a current active member of a Shire of Nannup Bush Fire Brigade.
- ii. The cost of obtaining the learners permit and license be at the Brigade members expense.
- iii. The driver being approved by the Brigade Executive to undertake the training.

Related Policies	
Related Procedures/Documents	
Delegated Level	
Adopted	OM 25 February 1999
Reviewed	

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.4 SUBJECT: Policy LPP 003 Installation of Crossover Subsidy LOCATION/ADDRESS: Nannup NAME OF APPLICANT: FILE REFERENCE: Policy Manual AUTHOR: Chris Wade – Manager Infrastructure DISCLOSURE OF INTEREST: DATE OF REPORT: 12 September 2012
--

BACKGROUND:

Council currently has the following planning policy for the installation of crossovers

Policy Number:	<i>LPP 003</i>
Policy Type:	<i>Local Planning Policy</i>
Policy Name:	<i>Installation of a Standard Crossover</i>
Policy Owner:	<i>Chief Executive Officer</i>

Authority: *Local Government Act 1995 Sch 9.1.7
Local Government (Uniform Local Provisions) Regulations 1996
Reg 12, 13, 14 & 15
Shire of Nannup Local Planning Scheme No3*

OBJECTIVES

The objectives of this policy are:

- 1. To meet the requirement for Local Government to subsidise the installation of a standard crossover to 50% of the Council estimated cost.*
- 2. To define what constitutes a "Standard Crossover" (the Specification).*
- 3. To ensure that all constructed crossovers are built to Council's specifications.*

DEFINITIONS

Property:

A separate identifiable land parcel or a combination of land parcels that can be rated as a single rateable property (i.e. contiguously rated).

**Shire of Nannup
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Rural:

All land contained within the "Agriculture, Agriculture Priority 1 Scott Coastal Plain, Agriculture Priority 2 and Coastal Landscape" zones as defined within the Local Planning Scheme No.3

Residential:

All land contained within the "Residential and Special Residential" zones as defined within the Local Planning Scheme No.3.

Commercial:

All land contained within the "Mixed Use and Town Centre" zones as defined within the Local Planning Scheme No.3

Industrial:

All land contained within the "Industry" zone as defined within the Local Planning Scheme No.3

Standard Crossover:

Rural (gravel): Installation of stormwater drainage pipes (concrete or extruded metal type only) and constructed using compacted gravel in accordance with the Council's Standard Rural Crossover Specifications to provide access from a dedicated road to the property boundary.

Rural (sealed): Installation of stormwater drainage pipes (concrete or extruded metal type only), constructed using compacted gravel and a two (2) metre bitumen spray sealed strip at the junction with the sealed road surface in accordance with the Council's Standard Rural Crossover Specifications to provide access from a dedicated road to the property boundary.

Residential: Installation of stormwater drainage pipes (concrete or extruded metal type only) and constructed using reinforced concrete in accordance with the Council's Standard Residential Crossover Specifications to provide access from a dedicated road to the property boundary.

Commercial: Installation of stormwater drainage pipes (concrete or extruded metal type only) and constructed using reinforced concrete in accordance with the Council's Standard Commercial Crossover Specifications to provide access from a dedicated road to the property boundary.

Industrial: Installation of stormwater drainage pipes (concrete or extruded metal type only) and constructed using a hot mix bituminous overlay in accordance with the Council's Standard Industrial

**Shire of Nannup
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Crossover Specifications to provide access from a dedicated road to the property boundary.

POLICY

1. Council will pay a subsidy of 50% of the estimated cost of Council's relevant **standard crossover** requirement, adjusted by CPI (based on the Perth All Groups as at the 30th June each year);
2. The subsidy will only be paid for the first (1st) approved crossover per property rural or urban, additional crossovers per property can be approved but no Council crossover subsidy will apply. Any additional crossovers must comply with Council minimum standards.
3. The subsidy will be 50% of the estimated cost of a "standard crossover" with the landowner meeting all additional costs for anything above the standard crossover specification.
4. The subsidy will only be paid upon completion of the crossover and after being inspected and authorised by the Council;
5. The subsidy will not be paid retrospectively (for crossovers installed without prior approval) or when the crossover is not constructed to the Council's minimum specifications.
6. Crossovers within the "Cluster Farming, Special Rural and Special Use" zones are to be designed to meet the category to suit the predominant use on the property.

<i>Related Policies:</i>	<i>LPP 002 Private Stormwater Drainage Connections to Council's Drains</i>
<i>Related Procedures/ Documents</i>	<i>1. LPP002 Crossover & Driveway Specification LPP003 Attachment 1a.docx</i> <i>2. LPP002 Shire of Nannup Stormwater Management Procedure LPP002 Attachment 1.docx</i>
<i>Delegation Level:</i>	<i>CEO, CEO to MI</i>
<i>Adopted:</i>	<i>OM 22 April 2010.</i>
<i>Reviewed:</i>	

COMMENT:

Historically Council does not receive that many requests for the 50% subsidy Council is required to pay for crossover construction but in recent times the

**Shire of Nannup
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number of requests has increased. The increase in requests may have considerable impact on Council's budgets. The officer's recommendation will be to place a cap on the council subsidy in this policy as it appears there is considerable ambiguity between contractor's costs and the standard cross over construction for residential areas.

Point 1 in the policy will be amended to read the following if the officer's recommendation is accepted

1. Council will pay a subsidy of 50% of the estimated cost of Council's relevant **standard crossover** requirement with the subsidy capped at \$1,000

Any further residential sub divisions crossovers should be at the developer's costs and part of the planning approval process.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: Policy amendment as per recommendation.

FINANCIAL IMPLICATIONS: Dependant on number of subsidy requests

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

Council amend Policy LPP003 Installation of Crossover Point 1 to read

1. "Council will pay a subsidy of 50% of the estimated cost of Council's relevant **standard crossover** requirement with the subsidy capped at \$1,000."
2. Council change the policy owner from the Manager Development Services to Chief Executive Officer.

FINANCE & **ADMINISTRATION**

AGENDA NUMBER: 11.5 SUBJECT: Monthly Financial Statement Format 2012/13 LOCATION/ADDRESS: Nannup NAME OF APPLICANT: Shire of Nannup FILE REFERENCE: FNC 15 AUTHOR & REPORTING OFFICER: Vic Smith - Manager Corporate Services DISCLOSURE OF INTEREST: None. DATE OF REPORT: 6 September 2012

BACKGROUND:

Regulation 34(5) of the Local Government (Financial Management) Regulations 1996 requires that:

Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

COMMENT:

For the last three years the materiality level for budget variances for reporting purposes has been set at 10% or \$5,000, whichever is greater. It is not proposed to amend this limit for monthly reporting for 2012/13.

Under the Regulations reporting can be broken down by program area, the nature or type of expenditure or by business unit. For statutory reporting purposes a breakdown by program area is used.

The Regulations allow Council to incorporate any supplementary information that it seems appropriate into its monthly reporting. The revised reporting format adopted in February 2012 makes extensive use of this provision. This supplementary information focuses attention on the expected outturn position rather than the monthly variation. This format will continue to be developed.

STATUTORY ENVIRONMENT: Local Government (Financial Management) Regulation 34(5).

POLICY IMPLICATIONS: Nil.

**Shire of Nannup
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FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That the statutory reporting of material variances in the monthly financial statements be based on variations of 10% or \$5,000, whichever is the greater.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.6
SUBJECT: Budget Monitoring 2012/13
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT:
FILE REFERENCE: FNC15
AUTHOR: Tracie Bishop – Finance Officer
AUTHORISING OFFICE: Vic Smith – Manager corporate Services
DISCLOSURE OF INTEREST: None
DATE OF REPORT: [13 September 2012]

Attachment: Monthly Financial Statements for the period ending 31 July 2012.

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 \$5,000, whichever is the greater on which to report. The statutory statements are attached at Attachment 1.

Whilst this has resulted in all variances of 10% or \$5,000 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:

As we are only one month in to our current financial year there has been little expenditure and income incurred to date and no under or overspends are anticipated at this point in time.

The variances shown in the statutory statements result from income and expenditure not being in accordance with the profiles adopted for the budgets and are therefore due to timing differences.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

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Ordinary Council Meeting Agenda:**

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 31 July 2012 be received.

SHIRE OF NANNUP
STATEMENT OF FINANCIAL ACTIVITY
FOR THE PERIOD 1 JULY 2011 TO 30 JUNE 2012

	2012/13 Actual \$	Brought Forward 01-July-2011 \$
NET CURRENT ASSETS		
Composition of Estimated Net Current Asset Position		
CURRENT ASSETS		
Cash - Unrestricted	2,256,283	813,488
Cash - Restricted	380,310	685,297
Cash - Reserves	882,432	857,638
Receivables	2,783,506	345,202
Inventories	0	0
	<u>6,302,530</u>	<u>2,701,625</u>
LESS: CURRENT LIABILITIES		
Payables and Provisions	<u>(660,346)</u>	<u>(298,009)</u>
	5,642,184	2,403,616
Less: Cash - Reserves - Restricted	(1,262,741)	(1,542,935)
NET CURRENT ASSET POSITION	<u><u>4,379,443</u></u>	<u><u>860,681</u></u>

SHIRE OF NANNUP

STATEMENT OF FINANCIAL ACTIVITY

FOR THE PERIOD 1 JULY 2012 TO 31 JULY 2012

<u>Operating</u>	2012/13 Y-T-D Actual \$	2012/13 Y-T-D Budget \$	2012/13 Budget \$	Variances Y-T-D Budget to Actual %
Revenues/Sources				
Governance	0	83	1,000	(100%)
General Purpose Funding	154	246,562	2,958,738	(100%)
Law, Order, Public Safety	116	29,228	350,733	(100%)
Health	0	402	4,818	(100%)
Education and Welfare	55	6,147	73,760	(99%)
Housing	646	1,400	16,796	(54%)
Community Amenities	415	10,189	122,270	(96%)
Recreation and Culture	158	2,421	29,054	(93%)
Transport	2,174,698	628,982	7,547,779	246%
Economic Services	203	18,000	216,000	(99%)
Other Property and Services	0	2,241	26,894	(100%)
	2,176,444	945,654	11,347,842	130%
(Expenses)/(Applications)				
Governance	(3,889)	(27,174)	(326,083)	(86%)
General Purpose Funding	(2,954)	(175,355)	(2,104,264)	(98%)
Law, Order, Public Safety	(3,769)	(31,838)	(382,058)	(88%)
Health	(772)	(5,035)	(60,416)	(85%)
Education and Welfare	(3,172)	(21,837)	(262,042)	(85%)
Housing	(295)	(2,685)	(32,223)	(89%)
Community Amenities	(1,911)	(36,684)	(440,206)	(95%)
Recreation & Culture	(8,195)	(39,567)	(474,805)	(79%)
Transport	(35,962)	(215,957)	(2,591,487)	(83%)
Economic Services	(1,164)	(29,863)	(358,353)	(96%)
Other Property and Services	53,532	2,375	28,496	2154%
	(8,553)	(583,620)	(7,003,441)	(99%)
Adjustments for Non-Cash				
(Revenue) and Expenditure				
(Profit)/Loss on Asset Disposals	0	0	19,500	0%
Depreciation on Assets	0	151,527	1,818,318	(100%)
Capital Revenue and (Expenditure)				
Purchase Land and Buildings	0	(50,803)	(609,633)	(100%)
Purchase Infrastructure Assets - Roads	0	0	(7,744,000)	0%
Purchase of Infrastructure Assets - Parks	0	0	0	0%
Purchase Plant and Equipment	0	(41,158)	(493,900)	(100%)
Purchase Furniture and Equipment	0	(1,454)	(17,450)	(100%)
Proceeds from Disposal of Assets	0	0	140,000	0%
Repayment of Debentures	0	0	(64,982)	0%
Proceeds from New Debentures	0	0	0	0%
Leave Provisions	0	0	166,708	0%
Depreciation - Plant Reversal	0	0	0	0%
Accruals	0	0	18,852	0%
Self Supporting Loan Principal Income	0	0	19,722	0%
Transfers (to)/from Reserves	0	0	85,264	0%
ADD Net Current Assets July 1 B/Fwd	1,081,011	1,081,011	1,081,011	
LESS Net Current Assets Year to Date	4,485,092	2,092,011	0	
Amount Raised from Rates	(1,236,189)	(590,856)	(1,236,189)	

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.7 SUBJECT: Addendum to Aged Housing Plan LOCATION/ADDRESS: N/A NAME OF APPLICANT: N/A FILE REFERENCE: REC2a AUTHOR: Louise Stokes - Community Development Officer REPORTING OFFICER: Robert Jennings – Chief Executive Officer DISCLOSURE OF INTEREST: None DATE OF REPORT: 4 September 2012
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Attachment: Addendum to Aged Housing Plan

BACKGROUND

At the June 2012 meeting Council adopted the Shire of Nannup Aged Housing Plan. This project was an outcome of the Age Friendly Communities planning undertaken in 2011.

COMMENT

During the concluding stages of developing the Aged Housing Plan some new initiatives were identified for progressing aged housing in Nannup. Funding was received from the South West Development Commission to investigate these options and this work was undertaken by consultant, Jackie Massey.

As part of this work, considerable consultation and discussion has been undertaken with State Government agencies and Independent housing providers. In summary, the most feasible options for the Council to pursue are:

- Danjangerup Cottages to build an additional rental unit (using their own funds, Country Local Government Funds and a contribution from the Council's new reserve for aged housing support) and to liaise with Access Housing about future collaboration and
- Land behind RSL to be purchased using either Royalties for Regions or through Access Housing, for the purpose of developing independent living units for lease purchase by seniors,
- Habitat for Humanity affordable housing to be developed at Wilson St site,
- Land adjacent to the Catholic church to be purchased using either Royalties for Regions or through Access Housing, for the purpose of developing independent living units for lease purchase by seniors,
- In the future the Uniting Church land may also be available for the purpose of developing independent living units for lease purchase by seniors.

**Shire of Nannup
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STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2010/11 – 2014/15:

Program 8.2.B Assist the Danjangerup Cottages Committee in the construction of additional aged accommodation.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council accepts the Addendum to the Aged Housing Plan.

Aged Housing Plan – Addendum dated 27 August 2012

The Nannup Aged Housing Plan was adopted by Council on 28 June 2012. At the same meeting the Council approved a policy on Council contributions towards aged housing (\$20,000 to be set aside each year). Several matters were still being investigated at the time the plan was finalised. This brief addendum provides an update on these matters.

- **Danjangerup Cottages have met with Access Housing** to discuss future collaboration. There is no firm outcome yet but discussions are underway.
- **Danjangerup Cottages** are intending to pursue the option to construct an additional independent living unit using their own funds and the Shire's allocation from Country Local Government Funds.
- The project officer has liaised with **Access Housing re the possibility of future aged housing** developments. Access Housing identified a lack of adequate medical facilities as a possible major stumbling block. Access Housing has since advised that they are in the process of preparing a plan to address the aged housing needs of the SW given the number of requests they have received for assistance from small regional communities.
- The project officer has obtained information from Kent Corporation about possible moveable park homes for the **Brockman St Caravan Park**. The Shire has liaised with the Dept of Water about the possible placement of moveable park homes at this site. The Shire has been advised that the Dept of Water cannot support any development of this nature given the flood risk level in this area.
- The project officer has liaised with **Shire of Manjimup** about collaboration in providing aged housing. This is still a possibility but no further progress has been made owing to difficulties in scheduling a meeting with the developer undertaking work for the Shire of Manjimup.
- The project officer has liaised and organised a meeting with **Habitat for Humanity** re possible collaboration. This may provide an option to construct either affordable or aged housing. A possible site owned by the Shire has been identified (Wilson St). The future use of this site will be considered by Council as part of an overall review of land held by the Shire.
- The project officer has liaised with **WA Country Builders** about possible collaboration. A follow-up meeting needs to be arranged.
- The project officer has liaised with **Abbeyfield Australia** to find out more about their model (a home for aged persons where each resident has their own room/s and there is a resident housekeeper to provide support). The model is interesting but requires funding and community management. It would require a minimum of 10 interested persons to buy into such a development in order to be viable.
- The project officer is currently liaising with BaptistCare (as part of another project) and will discuss regional provision of aged housing.
- The project officer has liaised with **Dwellingup Community Village**. They have funding for their community centre but are still seeking funding for housing.
- The Shire and the project officer have liaised with **SWDC about funding options**. Consideration is being given to a shared plan and grant application for aged housing in SW regional communities.

- The project officer has liaised with several potential developers. There has been no strong interest so far.
- The project officer has obtained information from the **Federation of Housing Collectives**. If some residents are interested, there may be a possibility of forming a housing collective which would develop a site and thereafter be managed as a strata-title property. This would be something for private individuals to pursue rather than the Shire.
- The **Catholic Church** has indicated a willingness to receive offers for the purchase of the block adjacent to the church which is currently owned by the Bishop of Bunbury. The project officer has obtained valuations which the Shire will pass on to the Catholic Church. It is hoped that support from the local Catholic community may assist in the negotiation process.
- The **Uniting Church** is giving preliminary consideration as to whether its land in the centre of Nannup can be made available for aged housing, subject to the needs of current users. No firm indication has yet been received.
- The Shire has liaised with the owners of two parcels of **land behind the RSL block** who have indicated a willingness to sell the land for the purpose of aged housing.

In summary, the most feasible options for the Council to pursue are:

1. Danjangerup Cottages to build an additional rental unit (using their own funds, Country Local Government Funds and a contribution from the Council's new reserve for aged housing support) and to liaise with Access Housing about future collaboration.
2. Land behind RSL to be purchased using either Royalties for Regions or through Access Housing, for the purpose of developing independent living units for lease purchase by seniors
3. Habitat for Humanity affordable housing to be developed at Wilson St site
4. Land adjacent to the Catholic church to be purchased using either Royalties for Regions or through Access Housing, for the purpose of developing independent living units for lease purchase by seniors
5. Further down the track the Uniting Church land may also be available for the purpose of developing independent living units for lease purchase by seniors

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA NUMBER: 11.8
SUBJECT: Unbudgeted Expenditure – Site works for the Carlotta Fire Shed
LOCATION/ADDRESS: NANNUP
NAME OF APPLICANT: Terese Levick-Godwin
FILE REFERENCE: RES 20915
AUTHOR: Terese Levick-Godwin - Community & Services Manager
AUTHORISING OFFICER: Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST: None.
DATE OF REPORT: 10 September 2012

Attachment: Letter from Carlotta Brigade

BACKGROUND:

The Carlotta 2.4 Bushfire Brigade fire appliance has been housed at the Fire Control Officer Mr Mal Cole's property for quite some years as there has been no fire shed to garage the fire appliance in.

As requested by the Carlotta Volunteer Bushfire Brigade, an application for a new fire shed was included with the Emergency Services Levy application to FESA.

The funding application was successful to the amount of \$79,900; however, this excluded the site works funding request as FESA does not cover site works on Local Government land. Unfortunately this item was missed the relevant 2012/13 budget deliberations.

It should also be noted that a successful grant was written for a 100,000 litre tank and pump for the fire shed, these are stored and waiting for installation at Archdall Tanks

A meeting has been held with the Carlotta Fire Control Officer and Captain and an appropriate position chosen for the fire shed.

COMMENT:

The total costs for the earthworks and clearing is approx \$10,000. A member of the Carlotta Brigade has donated the sand for the shed pad; this represents a value of approximately \$1500. Additionally, several members of the Carlotta Brigade work for the Shire in the Works Department, some of these persons have already been approached to help carry out the work on their own time using the Shire equipment; this should reduce the costs significantly. As stated in the attached letter, a contractor has already looked at the site and has estimated that it will cost between \$3500 and \$4000 to clear the site and to burn the residue.

It is now imperative that the work begins as soon as possible as the fire season is rapidly approaching, there is a need to carry out the onsite work before the ground

**Shire of Nannup
Ordinary Council Meeting Agenda:**

dries and there is the consideration of the amount of rock that will need to be moved as this also represents a fire hazard as the conditions dry out.

STATUTORY ENVIRONMENT: Local Government Act

POLICY IMPLICATIONS: None.

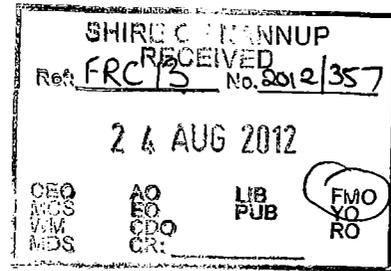
FINANCIAL IMPLICATIONS: \$4000 allocated from the Fire break Maintenance budget to the Carlotta Fire Shed budget.

STRATEGIC IMPLICATIONS: Fire safety of the community

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

It is recommended to Council that allocate \$4,000 the Fire Break Maintenance budget to the Carlotta Fire Shed budget to complete the earthworks for the Carlotta Bushfire Brigade Shed.



Carlotta Bushfire Brigade
P. O Box 43
Nannup
WA 6275

24 08 2012

Chief Executive Officer
Nannup Shire
P. O Box 11
Nannup WA 6275

Dear Sir,

At our 2011 AGM it was decided to write to the Shire requesting assistance in relocating our Carlotta 2.4 fire truck from private property, to a purpose built shed adjacent to the Carlotta Hall. Since then we have received news that FESA have provided funds for the shed, water tank, SEC etc.

However, funds are not available for the clearing of the site, plus sand for the shed pad, gravelling etc. A private contractor has inspected the site and estimated the cost of clearing and the burning up of material to be approximately \$3500 - \$4000.

A Carlotta Brigade member has donated the sand for the shed pad which is estimated to be worth approximately \$1500. It is understood

that gravel is available for the roadwork; however, the carting, laying and compacting of the shed pad will be an additional expense.

We are asking if the Shire would be able to provide funds for this project.

Yours Faithfully,

I T Wishart Hon Sec

A handwritten signature in cursive script, appearing to read "I T Wishart". The signature is written in black ink and is positioned to the right of the typed name.

**Shire of Nannup
Ordinary Council Meeting Agenda:**

AGENDA ITEM: 11.9
SUBJECT: Accounts for Payment
LOCATION/ADDRESS: Nannup Shire
FILE REFERENCE: FNC 8
AUTHOR: Tracie Bishop – Finance Officer
AUTHORISING OFFICER: Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 13 September 2012

Attachment: Schedule of Accounts for Payment

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund are 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.

Municipal Account

Accounts paid by	EFT 3390 - 4007	\$628,090.35
Accounts paid by	Cheque Vouchers 18926 - 18950	\$ 16,267.37

Trust Account

Accounts Paid by	Cheque Voucher –	\$0.00
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STATUTORY ENVIRONMENT: Local Government (Financial Management)
Regulation 13

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

As indicated in the Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple majority

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$647,310.72 in the attached schedule be endorsed.

SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - AUGUST 2012

Chq/EFT	Name	Description	Amount
EFT3890	LGIS INSURANCE BROKING	MOTOR VEHICLE INSURANCE	\$41,481.94
EFT3891	AUSTRALASIAN PERFORMING RIGHT ASSOC LTD	LICENCE FEES - MUSIC ON HOLD	\$141.97
EFT3892	NANNUP SURVEYS	SURVEYING SERVICES RENDERED - RESERVE 20915	\$1,210.00
EFT3893	ROBERT LONGMORE	REIMBURSEMENT OF EXPENSES	\$702.36
EFT3894	NANNUP LAVENDER FARM	YOUTH PLAN	\$600.00
EFT3895	BAY SIGNS	STICKERS FOR HONOUR BOARD	\$55.00
EFT3896	THE B.I.G.N	SHIRE CONTRIBUTION NANNUP CHRISTMAS LIGHTS	\$200.00
EFT3897	P & F MARTIN	RELICENCE TRAILER & REPAIRS	\$148.53
EFT3898	HILL'S TULIPS TASMANIA	FREIGHT & QUARANTINE CHARGES	\$663.41
EFT3899	PJ & VL LAMERS	BUS SVCE NANNUP CONNECT TO MANJIMUP & RETURN	\$350.00
EFT3900	QUICK CORPORATE AUSTRALIA	WINE GLASSES, TUMBLERS & JUGS	\$291.40
EFT3901	J M COMMUNITY DEVELOPMENT PROJECTS	IMPLEMENTATION OF NANNUP AGED HOUSING PLAN	\$2,200.00
EFT3902	PSI AUDIO (WA) PTY LTD	SUPPLY & INSTALL CHAMBERS SCREEN & MONITER	\$4,637.50
EFT3903	MPM DEVELOPMENT CONSULTANTS	DESIGN & DOCUMENTATION FOR MAINSTREET PROJECT	\$7,370.00
EFT3904	JOHN SCOTT	CROSSOVER CONTRIBUTION - LOT 19 HITCHCOCK DRIVE	\$1,000.00
EFT3905	DEPARTMENT OF FINANCE - SHARED SERVICES	CONTRIBUTION TO REFURB. OF BRIDGE 0863	\$68,199.96
EFT3906	WISTERIA PARK LUXURY BED & BREAKFAST	ACCOMODATION	\$360.00
EFT3907	AUSTRALIAN TAXATION OFFICE	BAS AUGUST 2012	\$176,657.00
EFT3908	AMD CHARTERED ACCOUNTANTS	ACQUITTAL AUDIT 2012	\$528.00
EFT3909	ARROW BRONZE	MEMORIAL PLAQUE	\$248.60
EFT3910	BELL FIRE EQUIPMENT	SUPPLY FIRE EXTINGUISHERS, SIGNS & FIRE BLANKET	\$580.91
EFT3911	CEMETERIES & CREMATORIA ASSOC OF WA	ORDINARY MEMBERSHIP RENEWAL 2012/13	\$100.00
EFT3912	HOLCIM AUSTRALIA PTY LTD	SEALING AGG	\$1,223.20
EFT3913	GEOGRAPHE SAWS & MOWERS	SUNDRY SUPPLIES	\$891.00
EFT3914	HOLBERRY HOUSE	ACCOMMODATION	\$110.00
EFT3915	TOLL IPEC ROAD EXPRESS PTY LTD	DELIVERY FROM JASON SIGNS	\$160.25
EFT3916	INSIGHT CCS PTY LTD	OVERCALLS FEE FOR MONTH OF JUNE 2012	\$84.59
EFT3917	NANNUP HARDWARE & AGENCIES	SUNDRY SUPPLIES	\$477.40
EFT3918	NANNUP NEWSAGENCY	POSTAGE CHARGES	\$335.30
EFT3919	NANNUP EZIWAY SELF SERVICE STORE	SUNDRY SUPPLIES	\$165.60
EFT3920	NANNUP COMMUNITY RESOURCE CENTRE	2 X COMMUNITY DIRECTORIES	\$10.00
EFT3921	RICOH BUSINESS CENTRE	PRINTING FOR PERIOD	\$548.19
EFT3922	SOUTH WEST FIRE	SUPPLY & FIT ELECTRIC HOSE REEL	\$3,096.50
EFT3923	SYNERGY	ELECTRICITY EXPENSES	\$4,343.00
EFT3924	LOUISE STOKES	REIMBURSEMENT OF EXPENSES	\$736.34
EFT3925	TRACIE BISHOP	REIMBURSEMENT OF EXPENSES	\$190.80
EFT3926	WALGA	ANNUAL ASSOCIATION MEMBERSHIP SUBSCRIPTION	\$25,075.13
EFT3927	PAUL WASELL	EXTENSION TO SES BUILDING	\$5,375.70
EFT3928	WARREN BLACKWOOD WASTE	BIN & RECYCLING PICK UPS	\$6,104.23
EFT3929	WORTHY CONTRACTING	NANNUP WASTE MANAGEMENT FACILITY - JULY 2012	\$9,463.33
EFT3930	GLOBE SIGN COMPANY	SUPPLY X3 FLOOD LEVEL SIGNS	\$122.10
EFT3931	JP REPAIRS	SUPPLY 4 TYRES	\$1,082.00
EFT3932	BLACKWOOD VALLEY BUS SERVICE	NANNUP CONNECT TO MANJIMUP	\$355.00
EFT3933	P & F MARTIN	COMPLETED A" SERVICE ON NANNUP FIRE UNITS	\$1,552.57
EFT3934	AMR PAVING	INTERNMENT PLAQUE NO 36 NORM KEALLY	\$120.00
EFT3935	KERRIE YABSLEY	REIMBURSEMENT OF EXPENSES	\$123.94
EFT3936	EDGE PLANNING & PROPERTY	PLANNING SERVICES	\$10,444.68
EFT3937	VIC SMITH	REIMBURSEMENT OF EXPENSES	\$122.00
EFT3938	BRAILLE TACTILE SIGNS (AUST)	VARIOUS SIGNS FOR FROGS EARLY LEARNING CENTRE	\$775.28
EFT3939	BRIDGETOWN MEDICAL GROUP	EMPLOYMENT MEDICAL	\$176.00
EFT3940	HOLCIM AUSTRALIA PTY LTD	SEALING AGG	\$16,393.32
EFT3941	CORPORATE EXPRESS	STATIONARY ORDER	\$411.72
EFT3942	DOBBIN DESIGN	FROGS PROJECT MANAGEMENT	\$2,178.00
EFT3943	FTE ENGINEERING	HYDRAULIC HOSE PARTS	\$85.22
EFT3944	THE GOOD FOOD SHOP	MORNING TEA, AFTERNOON TEA AND LUNCH	\$650.00
EFT3945	GUMPTION PTY LTD	RATES BROCHURE & SHIRE NEWS TEMPLATES	\$700.00
EFT3946	HOWSON TECHNICAL	MAINSTREET DEVELOPMENT PROJECT	\$1,386.00
EFT3947	TOLL IPEC ROAD EXPRESS PTY LTD	DELIVERY FROM PAPER COMPANY	\$97.91

SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - AUGUST 2012

Chq/EFT	Name	Description	Amount
EFT3948	INSIGHT CCS PTY LTD	AFTERHOURS CALL CENTRE	\$94.38
EFT3949	K & C HARPER	DEPOT MAINTENANCE	\$1,335.95
EFT3950	NANNUP HARDWARE & AGENCIES	HIRE FORKLIFT FOR UNLOADING GOODS - FROGS	\$157.50
EFT3951	NANNUP EZIWAY SELF SERVICE STORE	REFRESHMENTS	\$41.26
EFT3952	NANNUP COMMUNITY RESOURCE CENTRE	TELEGRAPH ADVERT 2012 AUGUST	\$363.00
EFT3953	NANNUP MUSIC CLUB INC	COMMUNITY GRANT - 2012/13	\$25,000.00
EFT3954	NANNUP LIQUOR STORE	REFRESHMENTS	\$186.96
EFT3955	PRESTIGE PRODUCTS	CLEANING PRODUCTS	\$209.00
EFT3956	ROD'S AUTO ELECTRICS	PLANT REPAIR - SUPPLY PARTS BATTERIES	\$1,030.00
EFT3957	RICOH BUSINESS CENTRE	MAINTENANCE ON PHOTOCOPIER	\$51.70
EFT3958	SHIRE OF MANJIMUP	IT SUPPORT	\$337.50
EFT3959	STEWART & HEATON CLOTHING CO. PTY LTD	SAFETY WEAR	\$1,113.77
EFT3960	LOUISE STOKES	REIMBURSEMENT OF EXPENSES	\$180.50
EFT3961	WESTRAC EQUIPMENT	PLANT REPAIR	\$7,131.60
EFT3962	WML CONSULTANTS	MOWEN ROAD PROJECT MANAGEMENT	\$4,295.50
EFT3963	PAUL WASSELL	CONCRETE WORKS FOR FROGS FOOTPATHS	\$2,406.80
EFT3964	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	SUPERANNUATION CONTRIBUTIONS	\$9,298.56
EFT3965	BLACKWOOD BANKS CONSTRUCTIONS	MAINTAIN FIREBREAKS	\$2,156.00
EFT3966	BUSSELTON RETRAVISION	KOBO TOUCH EREADER X 2	\$240.00
EFT3967	SPOTLIGHT PTY LTD	SUPPLY & INSTALL BLINDS, VERTICALS & DRAPES	\$6,479.00
EFT3968	ALL 4X4 SERVICES	SPOTLIGHT & SIDESTEP FITTED ON PRADO	\$1,506.90
EFT3969	NANNUP BRIDGE CAFE	COUNCIL DINNER	\$385.00
EFT3970	ARBOR GUY	TOWN TREE LOPING	\$6,600.00
EFT3971	PJ & VL LAMERS	NANNUP CONNECT TO BUSSELTON & RETURN	\$300.00
EFT3972	EDGE PLANNING & PROPERTY	PLANNING SVCS	\$2,643.30
EFT3973	DEAN GUJA	ENVIRONMENTAL HEALTH WORK & TRAVEL	\$2,250.00
EFT3974	MPM DEVELOPMENT CONSULTANTS	DESIGN & DOCUMENTATION FOR MAINSTREET PROJECT	\$5,527.50
EFT3975	JOHN SCOTT	CROSSOVER CONTRIBUTION	\$344.00
EFT3976	COVS PARTS	SUNDRY SUPPLIES	\$163.24
EFT3977	BOLLIG DESIGN GROUP	RECREATION PRECINCT UPGRADE - 1A CONCEPT DESIGN	\$21,890.00
EFT3978	JARAM FLEET EQUIPMENT	STEEL BAR & MULTI ADJUST LEG MOUNTS	\$223.25
EFT3979	AUSTRALIAN TAXATION OFFICE	AUGUST BAS	\$34,374.00
EFT3980	BOC LIMITED	OXYGEN INDUST SIZE G & DISSOLVED ACETYLENE G SIZE	\$534.60
EFT3981	D & J COMMUNICATIONS	TRAVEL & RADIO REPAIRS	\$379.50
EFT3982	NANNUP ELECTRICAL SERVICES	INSTALL CIRCUIT FOR SOLAR HWS	\$240.00
EFT3983	HOLCIM AUSTRALIA PTY LTD	SEALING AGG.	\$18,901.58
EFT3984	GEOGRAPHE SAWS & MOWERS	SUNDRY SUPPLIES	\$1,170.00
EFT3985	CORPORATE EXPRESS	STATIONARY ORDER	\$361.33
EFT3986	LANDGATE	EXTRACTION OF TOPOGRAPHICAL CONTOUR DATA	\$251.95
EFT3987	FIRE AND EMERGENCY SERVICES AUTHORITY	SUMMER PROGRAM ANNOUNCEMENT	\$350.00
EFT3988	FITZ GERALD STRATEGIES	INDUSTRIAL RELATIONS SUPPORT	\$22.94
EFT3989	TOLL IPEC ROAD EXPRESS PTY LTD	DELIVERY FROM SW PRECISION	\$137.68
EFT3990	K & C HARPER	REMOVE & REPLACE HOT WATER UNIT	\$5,934.83
EFT3991	LOCAL HEALTH AUTHORITIES ANALYTICAL COMMITTEE	ANALYTICAL SERVICES 2012/13	\$441.39
EFT3992	WA LIBRARY SUPPLIES	PURCHASE OF LIBRARY MATERIALS	\$285.00
EFT3993	LOCAL GOVERNMENT MANAGERS AUSTRALIA	2012 LGMA CDN CONFERENCE REGISTRATION	\$1,598.00
EFT3994	METAL ARTWORK CREATIONS	WHITE ALUMINIUM STAFF BADGE -	\$28.82
EFT3995	NANNUP HARDWARE & AGENCIES	SUNDRY SUPPLIES	\$1,261.00
EFT3996	NANNUP EZIWAY SELF SERVICE STORE	GAS BOTTLE AND SUPPLIES	\$371.38
EFT3997	NANNUP COMMUNITY RESOURCE CENTRE	TELEGRAPH ADVERT - AUGUST 2012	\$300.10
EFT3998	PROTECTOR ALSAFE	BUSHFIRE HELMETS X 6 & LOGO	\$379.90
EFT3999	SW PRECISION PRINT	PRINTING NEW LOGO ON STATIONERY	\$2,953.00
EFT4000	THE PAPER COMPANY OF AUSTRALIA PTY LTD	PAPER SUPPLIES	\$192.23
EFT4001	ROD'S AUTO ELECTRICS	BOSCH BATTERY	\$450.75
EFT4002	RICOH BUSINESS CENTRE	PHOTOCOPIER BILLING JOB	\$577.86
EFT4003	SYNERGY	ELECTRICITY EXPENSES	\$5,995.69
EFT4004	LOUISE STOKES	REIMBURSEMENT OF EXPENSES	\$100.71
EFT4005	WALGA	MARKETFORCE ADVERTISING	\$666.41
EFT4006	WARREN BLACKWOOD WASTE	RUBBISH & RECYCLING BIN PICKUPS	\$6,119.32
EFT4007	WORTHY CONTRACTING	HIRE OF EARTHMOVING EQUIP	\$36,875.33
TOTAL MUNICIPAL EFT PAYMENTS FOR PERIOD			<u>\$628,090.35</u>

SHIRE OF NANNUP
ACCOUNTS FOR PAYMENT - AUGUST 2012

Chq/EFT	Name	Description	Amount
18951	SULLIVANS HOTEL	ACCOMODATION	\$570.00
18952	WALJIN CONSULTANCY	CEREMONIAL WELCOME & BLESSING 23/6/12	\$500.00
18953	DARBY PARK SERVICED RESIDENCES	ACCOMODATION	\$304.00
18954	SHIRE OF DARDANUP	REIMBURSEMENT - STATE RECORDS TRAINING	\$100.00
18955	SHIRE OF NANNUP	REIMBURSEMENT OF PETTY CASH	\$210.00
18956	HART SPORT	TABLE TENNIS EQUIPMENT	\$86.90
18957	DEEP FOREST IRON	2 CEMETRY GATES & 1 PEDESTRIAN GATE WITH POSTS	\$2,000.00
18958	IRIS CONSULTING GROUP PTY LTD	DIGITISATION COURSE	\$490.00
18959	PACIFIC BRANDS WORKWEAR GROUP PTY LTD	UNIFORMS	\$269.00
18960	GRUB HUB	FUEL - JULY 2012	\$259.50
18961	WATER CORPORATION	WATER EXPENSES	\$2,490.90
18962	AMP LIFE LTD	SUPERANNUATION CONTRIBUTIONS	\$1,390.36
18963	AUSTRALIAN SUPER	SUPERANNUATION CONTRIBUTIONS	\$615.40
18964	IIML ACF IPS APPLICATION TRUST	SUPERANNUATION CONTRIBUTIONS	\$436.80
18965	CHALLENGER	SUPERANNUATION CONTRIBUTIONS	\$207.36
18966	CITY OF BUSSELTON	RANGER ATTENDENCE	\$353.40
18967	BUSSELTON PSI PTY LTD	INITIAL SUBSCRIPTION - DEBT COLLECTION SERVICE	\$275.00
18968	SHIRE OF NANNUP	VEHICLE REGISTRATION	\$184.75
18969	SHIRE OF BRIDGETOWN GREENBUSHES	REGIONAL BRIDLE TRAIL	\$5,500.00
18970	THE SALVATION ARMY	6 X BAGS OF RAGS	\$24.00
TOTAL MUNICIPAL CHEQUE PAYMENTS FOR PERIOD:			<u>\$16,267.37</u>

Total Municipal Payments for Period: \$647,310.72