



Shire of
Nannup
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Minutes

Council Meeting held
27 March 2014

CONFIRMATION OF MINUTES

These minutes comprising pages 1 – 53 were confirmed by
Council on 24 April 2014 as a true and accurate record.

.....
Tony Dean
SHIRE PRESIDENT

M i n u t e s

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)	1
3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
4. PUBLIC QUESTION TIME	2
5. APPLICATIONS FOR LEAVE OF ABSENCE	2
9090 Procedural motion	
6. PETITIONS/DEPUTATIONS/PRESENTATIONS	2
7. DECLARATIONS OF INTEREST	2
8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS	3
9098 Confirmation of Previous Minutes	
9. MINUTES OF COUNCIL COMMITTEES	3
10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION	3
11. REPORTS BY MEMBERS ATTENDING COMMITTEES	3
12. REPORTS OF OFFICERS	

Minute No.	Agenda No.	Description	Page No.
9099	12.1	Planning Application seeking retrospective approval for signs on players' shelters–Town Oval	4
Lost	12.2	Planning Application for dwelling with attached therapy clinic	8
9100	12.3	Bushfire Risk Planning Coordinator	18
9101	12.4	Vasse Highway Alignment Changes	20
9102	12.5	Surplus Equipment	22
9103	12.6	Local Dog Law	24
9104		Procedural motion	27
9105	12.7	Nannup Visitor Services	

Shire of Nannup
Ordinary Council Meeting Minutes: March 2014

9106	12.8	Community Kindergarten Memorandum of Understanding	30
9107	12.9	Royalties for Regions Update	32
9108	12.10	Update of the Long Term Financial Plan	37
9109	12.11	Budget Monitoring – February 2014	40
9110	12.12	Monthly Accounts for Payment	44

13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING 46

(a) OFFICERS

(b) ELECTED MEMBERS

9111	Procedural motion	
9112	Procedural motion	
9113	Procedural motion	
9114	Procedural motion	
9115	Procedural motion	
9116	13 (b)1. Recreation Centre Upgrade	46
9117	13 (b)2. CEO Performance and Remuneration Review	47

14. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN 51

15. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN 51

16. CLOSURE OF MEETING 51

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 16:20 hours.

ATTENDANCE:

Councillors; Dean, Gilbert, Longmore, Lorkiewicz, Mellema and Slater

Robert Jennings - Chief Executive Officer

Vic Smith - Manager Corporate Services

Chris Wade – Manager Infrastructure

Evelyn Patman – Executive Officer

VISITORS: 4

APOLOGIES: Cr Dobbin

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

(previously approved)

Cr Steer

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Ms P Twiss

Q1. In regard to the containers for the medical Centre on Balingup Road mentioned in item 12.2, how will they look?

Chief Executive Officer responded

A1. Recommendation in item 12.2 suggests that there is a skimmed roof and walls cladded with suitable material.

Mr L Gilchrist

Q2. I have done a history of the Village Green, are the names listed in the history accurate?

This question taken on notice

Q3. Can Council provide paint for the bowling club?

Chief Executive Officer responded

A3. Please put your request in writing so that it can be directed to the correct department.

Ms P Fraser

Q4. Do people living in town have to pay to use the tip? For example, a \$25.00 tip pass?

Manager Corporate Services responded

A4. Town people can dump clean waste for free as it is included in their annual fees.

Q5. Do non-residents (outsiders) need to pay to use the tip?

Manager Corporate Services responded

A5. Yes they need to pay each time or they are entitled to a \$50.00 tip pass.

Q6. Is scrounging allowed at the tip?

Manager Corporate Services responded

A6. No, not unless they have approval from the contractor.

Ms P Twiss

Q7. Why does Council have those ugly road signs (roads to recovery) everywhere, example Wilson Street?

Manager Infrastructure responded

A7. As we are annually funded by Roads to Recovery we are expected to keep the signs up for 5 years after completion as part of the deal.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Nil

7. DECLARATIONS OF INTEREST

There were no declarations of Interest presented during the meeting.
2 Declarations were received during the meeting.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9098 SLATER/LONGMORE

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 27 February 2014 be confirmed as a true and correct record.

CARRIED 6/0

9. MINUTES OF COUNCIL COMMITTEES

Nil

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

South West Zone WALGA meeting
South West Local Emergency Management Alliance meeting

12. REPORTS OF OFFICERS

AGENDA NUMBER:	12.1
SUBJECT:	Planning Application seeking retrospective approval for signs on players' shelters–Town Oval
LOCATION/ADDRESS:	Reserve 9185 Warren Road, Nannup
NAME OF APPLICANT:	Nannup Tigers Football Club
FILE REFERENCE:	RES 9185
AUTHOR:	Steve Thompson, Consultant Planner
REPORTING OFFICER:	Robert Jennings - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	17 March 2014

Attachments 1. Location plan
2. Planning framework – extract from *Local Planning Scheme No. 3* and extract from *Local Planning Policy No. 18 Signs and Advertisements*

BACKGROUND:

The Nannup Tigers Football Club has lodged a Planning Application seeking retrospective approval for various advertising signs on the players' shelters at the Town Oval. The location of the signs are shown in Attachment 1.

The applicant seeks approval for the existing metal signs without a time restriction on the approval. The signs are not currently or proposed to be illuminated.

Reserve 9185 is vested with the Shire for the purpose of recreation and showgrounds. The Management Order provides the Shire with the power to lease (or sub-lease or licence) the whole or portion of the reserve for up to 21 years.

The site is reserved as "Parks and Recreation" in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*.

Attachment 2 sets out the planning framework which is an extract from LPS3 and an extract from *Local Planning Policy No. 18 Signs and Advertisements*.

The Shire administration invited public comment on the Planning Application by writing to 11 adjoining/nearby landowners and Main Roads Western Australia, placing details on the Shire website and having details at the Shire office. The Shire received no submissions on the Planning Application.

COMMENT:

It is highlighted that *Local Planning Policy No. 18 Signs and Advertisements* (see Attachment 3) has a presumption to not support signs on Shire managed land. The Policy does support some exceptions (e.g. moveable signs) and requires signs to be used for purposes approved by the Council.

Given the above, a key consideration with the application is that approval may create a precedent on Shire managed land which needs to be carefully considered. While a precedent is likely to be set, the precedent is not expected to be widespread given any future applicant will need to demonstrate that their Planning Application similarly addresses relevant matters including need, setbacks from boundaries and visibility from surrounding roads and properties. As required by LPS3, each future Planning Application needs to be assessed on its merits.

While noting the above, following an assessment of the application against LPS3, Local Planning Policy No. 18 and the Local Planning Strategy, it is suggested that the Council approve the Planning Application subject to conditions. In summary, the reasons for this include:

- the players' shelters are required structures for the comfort of the players, officials and visitors in wet or sunny conditions;
- the players' shelters and associated signs are well setback, being approximately 160 metres, from Warren Road;
- the signs are not considered distracting to motorists;
- the visual impact is moderated given the location of the signs, that the signs are contained on the structures and do not extend above the roof line and that the signs are not illuminated;
- it is suggested that the signs will not impact Nannup's "garden village" character;
- the site is outside of the Heritage Precinct;
- that no objections were received following extensive consultation, it can only be implied that nearby landowners and community members raise no objection and consider the signs appropriate; and
- the Shire has not received any written objection to the signs since they were installed.

Since the Council adopted *Local Planning Policy No. 18 Signs and Advertisements* on 26 July 2012, the only other Planning Application for signs considered by the Council was on 28 November 2013 for the Nannup Bowling Club site. It is suggested that the location of the signs on the Town Oval is in a considerably less

visually sensitive location compared to the Nannup Bowling Club which is within the heritage precinct.

Should any additional signs be proposed by the Nannup Tigers Football Club, it is suggested that the signs should generally be moveable and/or temporary and brought out at games.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy 18 is a non-statutory document which is designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy it determining the Planning Application.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council approve the Planning Application seeking retrospective planning approval for advertising signs on the players' shelters at Reserve 9185 Warren Road, Nannup subject to the following conditions:

1. No sign is illuminated.
2. All signs are well maintained to the satisfaction of the local government.

Advice

- A) In relation to Condition 2, this includes promptly addressing any possible graffiti or damage to the signs.
- B) Should any additional signs be proposed by the Nannup Tigers Football Club on Reserve 9185, the signs should generally be moveable and/or temporary and brought out at games.
- C) 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.

9099 GILBERT/LONGMORE

That Council approve the Planning Application seeking retrospective planning approval for advertising signs on the players' shelters at Reserve 9185 Warren Road, Nannup subject to the following conditions:

1. No sign is illuminated.
2. All signs are well maintained to the satisfaction of the local government.

Advice

- A) In relation to Condition 2, this includes promptly addressing any possible graffiti or damage to the signs.
- B) Should any additional signs be proposed by the Nannup Tigers Football Club on Reserve 9185, the signs should generally be moveable and/or temporary and brought out at games.
- C) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal.

CARRIED 6/0

Cr Dean requested meeting to be adjourned.

Meeting was adjourned at 16:38 hours.

Cr Dean left the meeting at 16:37 hours.

Cr Dean returned to the meeting at 16:38 hours.

Meeting resumed at 16:40 hours.

AGENDA NUMBER:	12.2
SUBJECT:	Planning Application for dwelling with attached therapy clinic
LOCATION/ADDRESS:	Lot 51 on DP 75649 Balingup Road, Nannup
NAME OF APPLICANT:	Gavin Griffiths
FILE REFERENCE:	A1721
AUTHOR:	Steve Thompson, Consultant Planner
REPORTING OFFICER:	Robert Jennings - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	17 March 2014

Attachments: 1. Location plan
2. Original information from applicant
3. Revised information (submission and plans) from applicant
4. Submissions

BACKGROUND:

The applicant has lodged a Planning Application for a proposed dwelling with an attached therapy clinic. The location of the application site is shown in Attachment 1.

Details originally submitted by the applicant are provided in Attachment 2, while revised information is set out in Attachment 3. In summary, the applicant proposes a new building comprising four painted sea containers with a colourbond skillion roof. The building will consist of a dwelling along with a therapy clinic for physiotherapy, acupuncture and other health services.

The site:

- is 5971m² in area;
- was previously part of Lots 119 and 120 but was recently subject to a boundary adjustment and is now Lot 51 on Deposited Plan (DP) 75649;
- is now vacant with the recent demolition of the original dwelling;

- is zoned “Residential R10/R15” in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*, with a portion of the site within the Flood Risk Land Special Control Area. For the portion of the site which is in the floodplain, most is within the 1 in 25 average recurrence internal (ARI) floodplain and a portion is within the 1 in 100 (ARI) floodplain;
- is designated as a bush fire prone area in the endorsed *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup*; and
- forms part of Policy Area No. 1 – Townsite in the *Shire of Nannup Local Planning Strategy*. The Strategy’s recommendation for the policy area is that urban consolidation is encouraged subject to issues of effluent disposal and flooding being addressed where relevant.

The uses proposed by the applicant can be considered in the Residential Zone without the need for a rezoning. The proposed therapy clinic is consistent with LPS3 definition of “medical centre” which is defined as follows:

“Medical centre means premises used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).”

As set out in the LPS3 Zoning Table, a medical centre is an “A” use in the Residential Zone. This means a Planning Application can legally be applied for and the Shire is able to determine the application following advertising.

The Shire administration invited public comment on the Planning Application for 21 days by writing to 14 adjoining/nearby landowners and 6 other stakeholders, placing a public notice in the Busselton-Dunsborough Times, placing details on the Shire website and having details at the Shire office. The Shire received 9 submissions on the Planning Application.

Key issues or concerns raised through the submissions included:

- the appearance of the building being constructed from sea containers;
- concerns that the site may be used in the future for industrial purposes;
- procedural concerns on the process and relating to commercial development in the Residential Zone; and
- flood risks.

Since the close of the submission period, the Shire administration has been negotiating with the applicant to address issues raised through the submissions and to ensure the proposed building is located outside of flood risk land.

COMMENT:

It is recommended that Council approve the Planning Application subject to conditions given that:

- the proposed therapy clinic will provide a valuable local service;
- the site is large enough to accommodate anticipated car parking from clients;
- the building is now located outside of the flood plain; and
- planning conditions can assist to control the appearance, use and management of the development.

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

- flood risk – the applicant has now relocated the building outside of flood risk land which is supported. Filling, backfill and the rock wall are however recommended to be located outside of the floodplain which may require a minor modification to the location of the building;
- expected trading days and hours of operation – the applicant advises these will follow normal office hours Monday to Friday, and on Saturday mornings;
- appearance of the building – the applicant now proposes to paint the sea containers and to construct a colourbond skillion roof which is an improvement of the original proposal. While noting that outside of the Nannup main street heritage precinct there are no Council building design guidelines, it is suggested that painted sea containers are out of character with Nannup’s “garden village” character. Given the site’s high profile location on a key “gateway” to town on a tourist route, it is suggested the sea containers should be appropriately clad (ideally in timber, related product or possibly colourbond) rather than only being painted;
- crossover – there are appropriate sight distances and it will need to be sealed in accordance with *Local Planning Policy No. 13 Car Parking and Vehicular Access*;
- parking - *Local Planning Policy No. 13 Car Parking and Vehicular Access* amongst other matters requires parking to be sealed in the Residential Zone where a home business/commercial use is proposed, to be generally located behind the building line and for car parking areas to be suitably landscaped/screened. There is also a need for the applicant to provide clearer plans showing the design of the car parking and vehicular manoeuvring areas. It is suggested that at least 5 car parking bays be provided, sealed and drained by the applicant to accommodate parking for the dwelling, other consultants, possible staff and clients;
- pedestrian access – while noting there is no footpath adjoining the site, it is recommended that no developer contribution is considered appropriate for this development;

- effluent disposal - the site is not connected to the reticulated sewerage system and the applicant advises it is not feasible to connect. Any on-site effluent disposal system will need to be suitably located, designed and maintained to the satisfaction of the local government; and
- possible future change of use – while it is not possible to make predictions as to what a future Council will do, the site’s Residential zoning currently limits the potential industrial usage to “cottage industry” which is low-impact industrial uses limited to 50m² in area. Any change of the site’s zoning would be subject to community consultation.

Other issues are outlined in Attachment 4.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3

POLICY IMPLICATIONS:

Various Local Planning Policies are relevant in assessing the Planning Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Planning Application.

Additionally, there are various State Planning Policies which are relevant in assessing the Planning Application including *Environment and Natural Resources Policy*. This in part states “Consider flood risk by identifying floodways and land affected by 1 in 100 year flood events and avoid intensifying the potential for flooding as a result of inappropriately located land uses and development.”

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council approve the Planning Application for a dwelling with an attached therapy clinic (medical centre) on Lot 51 on DP75649 Balingup Road, Nannup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Planning Approval has lapsed, no further development is to be carried out.

2. The development hereby approved must be carried out in accordance with the revised modified plans received on 17 March 2014 (addressing all conditions) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. No development (buildings, filling or rock wall) is permitted in the 1 in 25 ARI or the 1 in 100 ARI floodplain as set out in the *Blackwood River Flood Study*.
4. The floor level of the building is at least 68.68metres AHD.
5. A schedule of all materials to be used on the external surfaces of the building (which excludes Zinalume) shall be submitted to the satisfaction of the local government prior to the issue of a Building Permit.
6. The sea containers are appropriately clad prior to occupation to the satisfaction of the local government.
7. The provision of details with the Building Permit as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The local government will require that stormwater from the building, car parking area and access ways shall be collected, detained and suitably treated on site to the satisfaction of the local government prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
8. The development is to be connected to the reticulated water system prior to occupation.
9. The provision of details with the Building Permit as to the design of the car park, vehicle manoeuvring and vehicle access ways.
10. The car park, vehicle manoeuvring and vehicle access ways shall be laid out, constructed, sealed and drained to the satisfaction of the local government prior to occupation.
11. The vehicular crossover is to be designed, constructed, sealed and drained at the proponent's expense to the satisfaction of the local government prior to occupation.
12. The payment of a bond to the Shire for \$3,000, prior to the issue of a Building Permit, for the installation of the new sealed crossover.
13. A wastewater disposal system acceptable to the local government is installed prior to occupation.

14. No goods or materials may be stored in such a manner as to be visible from Balingup Road following the construction period.
15. The submission of a landscape and planting plan to the satisfaction of the local government prior to 31 December 2014.
16. The site is landscaped and planted in accordance with the landscape and planting plan prior to occupation.
17. The landscaped and planted area is to be maintained at all times to the satisfaction of the local government.
18. The hours of operation, which are available for paying customers, are limited to between 7.00am and 8.00pm Monday to Saturday.
19. Car parking for clients is contained within Lot 51 Balingup Road.

Advice

- A) In relation to Condition 3, the floor level is as set out in the *Blackwood River Flood Study*, along with a freeboard (factor of safety) of 0.5 metre.
- B) In relation to Conditions 5 and 6, the sea containers are to be clad ideally in timber or related product. The local government will also approve colourbond.
- C) In relation to Condition 7, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells). Stormwater from major storm events is supported to be connected to a Shire stormwater legal point of discharge if appropriately designed.
- D) In relation to Condition 12, the bond will be returned once the work has been completed to the satisfaction of the Shire.
- E) 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.
- F) The proponent is advised that the approved development must comply with all relevant provisions of the *National Construction Code (Building Code of Australia)*.
- G) The proponent is advised that the approved development must comply with all relevant provisions of the *Health Act 1911, Health Act (Laundries and Bathroom) Regulations, Health (Treatment of Sewage and Disposal of Effluent*

and Liquid Waste) Regulations 1974, and the Shire of Nannup Health Local Laws.

- H) Signs may be erected or displayed to the specification and satisfaction of the Shire. *Local Planning Policy 18 Signs and Advertisements* sets a limit of 1m² for businesses in the Residential Zone.
- I) It is the responsibility of the proponent/landowner to advise the local government when all conditions relating to the development have been satisfied.
- J) The site is designated as a “bushfire prone area”. As part of the building permit, the proponent will need to engage the services of a bushfire management consultant to either suitably demonstrate that the land is not bushfire prone or to determine the Bushfire Attack Level (BAL). The dwelling is then required to be constructed in accordance with Australian Standard AS3959-2009.
- K) 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.

DEAN/GILBERT

That Council approve the Planning Application for a dwelling with an attached therapy clinic (medical centre) on Lot 51 on DP75649 Balingup Road, Nannup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Planning Approval has lapsed, no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the revised modified plans received on 17 March 2014 (addressing all conditions) or otherwise amended by the local government and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. No development (buildings, filling or rock wall) is permitted in the 1 in 25 ARI or the 1 in 100 ARI floodplain as set out in the *Blackwood River Flood Study*.

4. The floor level of the building is at least 68.68metres AHD.
5. A schedule of all materials to be used on the external surfaces of the building (which excludes Zinalume) shall be submitted to the satisfaction of the local government prior to the issue of a Building Permit.
6. The sea containers are appropriately clad prior to occupation to the satisfaction of the local government.
7. The provision of details with the Building Permit as to how stormwater will be addressed for the proposed development to the satisfaction of the local government. The local government will require that stormwater from the building, car parking area and access ways shall be collected, detained and suitably treated on site to the satisfaction of the local government prior to occupation. The stormwater facilities provided in accordance with this condition shall be permanently maintained in an operative condition to the satisfaction of the local government.
8. The development is to be connected to the reticulated water system prior to occupation.
9. The provision of details with the Building Permit as to the design of the car park, vehicle manoeuvring and vehicle access ways.
10. The car park, vehicle manoeuvring and vehicle access ways shall be laid out, constructed, sealed and drained to the satisfaction of the local government prior to occupation.
11. The vehicular crossover is to be designed, constructed, sealed and drained at the proponent's expense to the satisfaction of the local government prior to occupation.
12. The payment of a bond to the Shire for \$3,000, prior to the issue of a Building Permit, for the installation of the new sealed crossover.
13. A wastewater disposal system acceptable to the local government is installed prior to occupation.
14. No goods or materials may be stored in such a manner as to be visible from Balingup Road following the construction period.
15. The submission of a landscape and planting plan to the satisfaction of the local government prior to 31 December 2014.
16. The site is landscaped and planted in accordance with the landscape and planting plan prior to occupation.

17. The landscaped and planted area is to be maintained at all times to the satisfaction of the local government.
18. The hours of operation, which are available for paying customers, are limited to between 7.00am and 8.00pm Monday to Saturday.
19. Car parking for clients is contained within Lot 51 Balingup Road.

Advice

- L) In relation to Condition 3, the floor level is as set out in the *Blackwood River Flood Study*, along with a freeboard (factor of safety) of 0.5 metre.
- M) In relation to Conditions 5 and 6, the sea containers are to be clad ideally in timber or related product. The local government will also approve colourbond.
- N) In relation to Condition 7, stormwater is to be suitably detained on site (e.g. rainwater tanks, soakwells). Stormwater from major storm events is supported to be connected to a Shire stormwater legal point of discharge if appropriately designed.
- O) In relation to Condition 12, the bond will be returned once the work has been completed to the satisfaction of the Shire.
- P) 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.
- Q) The proponent is advised that the approved development must comply with all relevant provisions of the *National Construction Code (Building Code of Australia)*.
- R) The proponent is advised that the approved development must comply with all relevant provisions of the *Health Act 1911, Health Act (Laundries and Bathroom) Regulations, Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, and the *Shire of Nannup Health Local Laws*.
- S) Signs may be erected or displayed to the specification and satisfaction of the Shire. *Local Planning Policy 18 Signs and Advertisements* sets a limit of 1m² for businesses in the Residential Zone.
- T) It is the responsibility of the proponent/landowner to advise the local government when all conditions relating to the development have been satisfied.

- U) The site is designated as a “bushfire prone area”. As part of the building permit, the proponent will need to engage the services of a bushfire management consultant to either suitably demonstrate that the land is not bushfire prone or to determine the Bushfire Attack Level (BAL). The dwelling is then required to be constructed in accordance with Australian Standard AS3959-2009.
- V) 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.

LOST 0/6

The Council refuses to grant its Planning Approval for the following reasons:

1. The proposed development is not in keeping with clause 1.6.1 of the Shire of Nannup Local Planning Scheme No. 3 as the development is out of character with Nannup’s established “garden village” character.
 - 1.6.1 The local government’s general aim is to recognise the unique qualities and characteristics of the Scheme Area and safeguard its natural resources, whilst promoting sustainable development through diversified residential, commercial, industrial, agricultural, timber, tourist and resource based activities

2. The design does not comply with clause 4.13.8.1 (a) of Shire of Nannup LPS No. 3.
 - 4.13.8 Residential Zone**
 - 4.13.8.1 Specific Objectives of the Zone
 - a) To promote and safeguard the health, safety, convenience, general welfare and amenity of residential areas and residents;

3. The design is inappropriate in the context of the setting as set out in clause 5.8.10 of the Shire of Nannup LPS No. 3.
 - 5.8.10 Standard of Development
Notwithstanding that a proposed development conforms in all other respects with any provision of the Scheme or any local law in force, the local government may at its discretion, refuse to grant approval if it considers that such development would by its siting, design, construction or materials result in a significant deterioration in the landscape and amenity of the general locality.

AGENDA NUMBER:	12.3
SUBJECT:	Bushfire Risk Planning Coordinator
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FRC2
AUTHOR:	Chris Wade – Manager Infrastructure
REPORTING OFFICER:	Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	12 March 2014

Attachment 1. MOU–Department of Fire and Emergency Services & the Shires of Nannup & Augusta Margaret River

BACKGROUND:

Council has been regularly informed over recent months regarding the status of the Pilot Bushfire Risk Management Plan and the employment of a temporary Coordinator for this program. This project is to be fully funded by the Department of Fire and Emergency Services. The Coordinator will work between The Shire of Nannup and The Shire of Augusta Margaret River, liaising with all the relevant stakeholders that have some form of land management responsibility within the two local government areas.

The aim of the pilot program is to identify vulnerable communities, as well as key assets and infrastructure to be protected against bushfire risk based on importance to the community. It will bring together all agencies responsible for land management within local government boundaries.

The pilot program will run for five months at which time a full report including Council's views will be prepared by the steering committee and presented to Cabinet for budget and legislation considerations to implement the program full time.

COMMENT:

The contribution for the pilot program is \$70,000 from DFES. Council need to accept the funding for the project as it is over \$5,000. The funding covers;

- Wages for five months
- Overheads
- Vehicle
- Computer
- Phone

The impost to Council will be minimal and only require limited officer time. This has already been allocated through the budget as Council is required to carry out its own bush fire mitigation works on land that it manages.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

An income of \$70,000 will be received with a matching expenditure over the next five months. In the future there may be a requirement for Council to allocate future funding to the mitigation works on Council managed land.

STRATEGIC IMPLICATIONS:

If the pilot project is successful and the State Government passes legislation to provide legislative power to enforce mitigation works on other government agencies it should in theory create a safer shire.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

Council receive the \$70,000 contribution from the Department of Fire and Emergency Services for the Pilot Bushfire Risk Planning Coordinator.

9100 SLATER/MELLEMA

Council receive the \$70,000 contribution from the Department of Fire and Emergency Services for the Pilot Bushfire Risk Planning Coordinator.

CARRIED 5/1

Voting for the motion: Dean, Gilbert, Longmore, Mellema and Slater

Voting against the motion: Lorkiewicz

AGENDA NUMBER:	12.4
SUBJECT:	Vasse Highway Alignment Changes
LOCATION/ADDRESS:	Vasse Highway St John's Brook
NAME OF APPLICANT:	Main Roads Western Australia
FILE REFERENCE:	A207
AUTHOR:	Chris Wade – Manager Infrastructure
REPORTING OFFICER:	Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	12 March 2014

Attachment 1. Letter from Main Roads Western Australia

BACKGROUND:

Council has received correspondence from Main Roads Western Australia (MRWA) requesting support for a change in the road dedication boundaries as part of the statutory requirements for the Vasse Highway at Lot 3485 (Haddon).

COMMENT:

As part of the Vasse Highway upgrade works there is a requirement for a small road alignment adjustment at St John's Brook on the property owned by Mr and Mrs Haddon. The land owners fully support the changes requested. As the road is managed by MRWA there are no implications to Council.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

Council inform Main Roads Western Australia that they support the road dedication changes as per the attached plan to Lot 3485 Vasse Highway.

9101 MELLEMA/GILBERT

Council inform Main Roads Western Australia that they support the road dedication changes as per the attached plan to Lot 3485 Vasse Highway.

CARRIED 6/0

AGENDA NUMBER:	12.5
SUBJECT:	Surplus Equipment
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	R047
AUTHOR:	Chris Wade – Manager Infrastructure
REPORTING OFFICER:	Chris Wade – Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	12 March 2014

BACKGROUND:

During the construction of Mowen Road, Council has purchased a substantial quantity of small plant and equipment using Main Roads Western Australia (MRWA) funding.

Some of this equipment is no longer needed and Council needs to now dispose of the equipment through a tender process.

COMMENT:

A final inventory list is currently being created. As the equipment is returned to the depot, it is inspected and then added to the inventory. If any of the Mowen Road equipment is in better condition than Council's existing equipment it will be replaced by the surplus equipment.

The equipment ranges from compactors, pumps, trailers and a shower block.

To keep the process timely, the officer's recommendation will be to give the Chief Executive Officer delegated authority to dispose of this equipment through a tender process. This will allow the process to start in the near future and dispose of assets that, in the case of trailers are incurring the cost of registration fees and insurance.

All income received from the tender process will be returned to the Mowen Road budget as per MRWA requirements.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

An income will be credited into Mowen Road Construction budget. This is an unknown figure until the tender process is completed.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

Council give delegated authority to the Chief Executive Officer to dispose of the Mowen Road surplus small plant and equipment.

9102 /SLATER

That Council (with the changes underlined);

Give delegated authority to the Chief Executive Officer to dispose of the Mowen Road surplus small plant and equipment.

Subject to item 1 on attachment 1: Shower block to be considered for purchase by the Shire.

CARRIED 6/0

Reason for change: Further consideration given on best use of the item, example for use at the Caravan Park.

AGENDA NUMBER:	12.6
SUBJECT:	Local Dog Law
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK 28
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	4 March 2014

Attachment: 1. Draft Local Dog Law

BACKGROUND:

At its meeting on 27 February 2014 Council resolved to make a Dog Local Law, the purpose of which is to control dogs within the Nannup townsite with the effect being the effective and fair control of dogs in the area.

The new law will be drafted to limit the number of dogs that can be kept on a property and to detail the measures required to contain them to the property. The draft Local Dog Law is appended at Attachment 1.

COMMENT:

The Dog Local Law would be established under sections 49 – 51 of the Dog Act 1976 and covers the following areas:

- Fencing requirements
- Limitation of dog numbers

Fencing Requirements

The Dog Act does not contain provisions to define the standard of fencing on properties that contain dogs. The draft local law sets out detailed provisions for the containment of dogs on properties.

Limitation of Dog Numbers

The Dog Act allows a local government to limit the number of dogs over three months of age that are kept on premises. The draft local law seeks to limit the maximum number of dogs on premises within the Nannup townsite to two. This provision would take effect shortly after the gazettal of the local law and any person with more than two dogs at that time would need to seek an exemption from the provisions of the local law. Council would be able to grant exemptions and these exemptions can be subject to conditions.

Fines and Penalties

The maximum penalty allowed under the Dog Act is \$2,000 and for the purposes of the local law this sum has been reduced to \$500. Persons committing an offence under the local law can opt to pay a modified penalty instead of attending a court hearing. The modified penalty cannot be more than 20% of the maximum penalty, making the penalty in the draft local law \$50. The offences to which a penalty would apply are detailed in Schedule 2 of the draft local law.

Process to Be Followed

The procedure for making local laws is set out in Section 31 of the Local Government Act 1995. Should Council decide to proceed with the making of a Local Dog Law it would next be necessary to give State-wide public notice of the proposed local law and to submit the proposed local law to the Minister for Local Government.

Council will then need to consider any responses received and decide whether to make the local law; an absolute majority decision would be required.

STATUTORY ENVIRONMENT:

Sections 49 – 51 of the Dog Act 1976.

Local Government Act 1995 Section 3.12 (1) states:

In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.

Local Government Act 1995 Section 3.12 (2) states:

At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.

Local Government (Functions and General) Regulations 1996 Section 3 states:

For the purpose of Section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that –

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and*
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.*

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

Possible additional income from the imposition of fines and penalties under the proposed local dog law.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council proceed with the making of the proposed Local Dog Law as set out in Attachment 1 by giving State-wide public notice and supplying a copy of the proposed local law to the Minister for Local Government.

9103 LONGMORE/MELLEMA

That Council proceed with the making of the proposed Local Dog Law as set out in Attachment 1 by giving State-wide public notice and supplying a copy of the proposed local law to the Minister for Local Government.

CARRIED 6/0

Cr Longmore declared an impartiality interest due on the following item due to being the Vice Chairman of the Community Resource Centre.

9104 GILBERT/MELLMA

Cr Longmore to stay, participate and vote on item 12.7– Nannup Visitor Centre.

CARRIED 3/2

Voting for the motion: Dean, Gilbert, and Mellema

Voting against the motion: Lorkiewicz and Slater

AGENDA NUMBER:	12.7
SUBJECT:	Nannup Visitor Services
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ASS 21
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	17 March 2014

BACKGROUND

Following the decision of the Nannup Tourism Association (NTA) to dissolve, a presentation was given to Councillors during the Information Session of the September 2012 meeting regarding the status and future actions regarding both the Visitor Centre and the Caravan Park. At that meeting it was decided to support the tourism industry by releasing an Expression of Interest for Nannup Visitor Services.

A contract was entered into with the Nannup Community Resource Centre (CRC) for a twelve month period for a sum of \$28,000 and terminating on 30 April 2014. The contract included the use of the Bookeasy accommodation booking system, licensed by the Shire.

Council needs to decide whether to continue with the visitor services contract and the associated Bookeasy accommodation system.

COMMENT

It would be premature to make a decision on the longer term extension or retendering of the visitor services contract, as this would tie Council's hands in

consideration of the 2014/15 budget. In order to allow the services to continue and for maximum flexibility in considering the 2014/15 budget the recommendation is that the contract be extended to the end of the financial year.

Clause 8 of the visitor services contract states:

“The Accommodation system 'Bookeasy' will be activated in conjunction with the Shire, offering electronic booking capacity for accommodation and tours operators. The payment arrangement for this service will be run on a trial period of 6 months, after which the cost implications of the service for the Nannup Community Resource Centre will be reviewed and funding sought at a Council meeting to cover any evidence based losses.”

The agreement with the CRC is that the council handles the administration associated with the payments collected via the Bookeasy system. Commission of 12.5% is taken on all bookings, with 8% being paid to the CRC and 4.5% to Bookeasy. The council receives no income for the reconciliation work undertaken; this work takes about ½ day per month to carry out. The balance of the booking is collected directly by the accommodation provider.

The Bookeasy system was finally activated on 25 September 2013 and is therefore due to be reviewed under the terms of the contract. Feedback has been sought from the CRC on their experience of using Bookeasy. Their comments are as follows:

The positives for the CRC include:

- Ability to provide service to clients
- People ringing up who don't have email or internet can be assisted
- People dropping in to the centre can be assisted.

The negatives of service delivery include:

- Continuous problems with Bookeasy system from the back end. It is thought this is because the current interface that the CRC is using for Bookeasy is not up-to-date and upgrades are not being applied. The concern is that as upgrades to the system are not included in the Bookeasy service and have to be paid for, that there will be continued problems whenever upgrades are done.
- Bookeasy support from their Head Office is not particularly good. It is acknowledged that these issues may not be resolved with another booking system.

The CRC has indicated that they are not willing to take on the administration of finances for Bookeasy.

If the council were to cancel the Bookeasy license it would be required to pay a termination penalty equivalent to the remaining minimum license fee. If the license were terminated on 1 July 2014 the termination penalty would be \$6,000.

Again, it would be premature at this point to stop using the Bookeasy accommodation system; however, if Council choose to retender the visitor services contract then this position could also be reconsidered.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

The budget for 2013/14 is \$25,000 for the provision of visitor services.

STRATEGIC IMPLICATIONS:

The Shire of Nannup Forward Plan 2011/12- 2015/16
Program 13 Economic Services and Tourism.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

1. That the Bookeasy accommodation system continue to be used and this position be reconsidered if the contract for visitor services is retendered or extended.
2. Council extends the contract for the provision of visitor services to 30 June 2014.

9105 MELLEMA/SLATER

1. That the Bookeasy accommodation system continue to be used and this position be reconsidered if the contract for visitor services is retendered or extended.
2. Council extends the contract for the provision of visitor services to 30 June 2014.

CARRIED 6/0

AGENDA NUMBER:	12.8
SUBJECT:	Community Kindergarten Memorandum of Understanding
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	BLD 11
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	17 March 2014

Attachment: 1. Letter from Community Kindergarten

BACKGROUND:

A letter has been received from the President of the Community Kindergarten requesting an extension of the Memorandum of Understanding (MOU) for a further 12 months. Council last considered the MOU as part of its wider review of leases in March 2013. At that time Council did not wish to change the terms and conditions of the MOU and extended it to 30 June 2014.

COMMENT:

The MOU sets out the obligations of the Shire and Nannup Community Kindergarten Inc. The organisation is responsible for utility charges (except for water), internal fittings and the playground equipment. The Council is responsible for building maintenance, building insurance, water charges and grounds maintenance. There is no rental or lease payment charged.

The MOU is for a one year term and requires the terms to be reviewed each year on the anniversary of the agreement date. Where there are no changes proposed to the terms and conditions the Chief Executive Officer has delegated authority to extend the term of the agreement for another year.

The commercial rental for the Community Kindergarten has been assessed at \$180 per week. Now that the FROGS Early Learning Centre is operating and paying a commercial lease (\$160 per week) there seems little justification for this to continue.

The FROGS Early Learning Centre is governed by the standard lease document adopted by Council at its meeting on 28 July 2011 and Council resolved that this document is to be used as the basis for all future leases of council property.

The Council has adopted a general principle of “user contributes” but in terms of its arrangements for the lease of its buildings there is no common approach. In the case of the Community Kindergarten the costs borne by the Council were as follows:

	Actual 2012/13 \$
Labour	1,633
Insurance	1,128
Maintenance & Cleaning	<u>2,764</u>
	<u>5,525</u>

In the case of the Community Kindergarten there is a marked difference of approach to this organisation when compared to the FROGS Early Learning Centre, which provides a broadly similar service.

STATUTORY ENVIRONMENT: Residential Tenancies Act.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

A full commercial lease would generate additional income of \$9,360 per annum.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATIONS

Council offer the Nannup Community Kindergarten a five year lease based on the commercial assessment of \$180 per week, commencing on 1 July 2014.

9106 LORKIEWICZ/SLATER

Council offer the Nannup Community Kindergarten a five year lease based on the commercial assessment of \$180 per week, commencing on 1 July 2014.

CARRIED 4/2

Voting for the motion: Dean, Lorkiewicz, Longmore and Slater

Voting against the motion: Mellema & Gilbert

AGENDA NUMBER:	12.9
SUBJECT:	Royalties for Regions Update
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 16
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	4 March 2014

Attachment 1. Summary of Projects

BACKGROUND:

The Council receives substantial funding through Royalties for Regions grants. This report seeks to update Council on the current status of these grants and to seek endorsement to the deployment of allocations.

COMMENT:

The following paragraphs set out the status of Royalties for Regions grants from 2010/11 to 2013/14. In order to view the full picture on the projects supported by these grants a summary of the full funding and expenditure on the projects is shown in Attachment 1.

2010/11

From 2010/11 grants are split into Individual and Regional components.

The individual allocation for 2010/11 covered six projects. Actual income and grant expenditure was as follows:

Element	Budget \$	Actual \$
Income		
Grant	381,625	381,625
Expenditure		
Cockatoo Valley Footpath	80,000	80,000
Foreshore improvements	15,000	15,000
Scott River Fire Shed	21,625	21,625
Town Entrances	50,000	50,000
FROGS	120,000	120,000
Marinko Thomas Park	95,000	95,000
Total Expenditure	381,625	381,625
Balance	0	0

Shire of Nannup
Ordinary Council Meeting Minutes: March 2014

The grant was acquitted on 6 November 2013.

The regional allocation for 2010/11 was devoted entirely to the Recreation Centre project. Actual income and grant expenditure to 31 January 2014 was as follows:

Element	Budget \$	Actual \$
Income		
Grant	<u>205,490</u>	<u>205,490</u>
Expenditure		
Building construction	<u>205,490</u>	<u>54,344</u>
Balance	<u>0</u>	<u>151,146</u>

It is important that this money is spent as soon as reasonably practical as it is delaying the receipt of the Regional CLGF grant for 2012/13. This grant cannot be paid until all the regional projects for 2010/11 have been acquitted and the Recreation Centre upgrade is one of these. Unfortunately, all of the grant was allocated to construction costs in the Financial Assistance Agreement and cannot be allocated to the design costs so far incurred. The award of the contract for the construction of the centre as agreed at the last Council meeting (subject to the caveats preceding the recommendation) will allow sufficient payments to be made to acquit the grant. Acquittal should be possible by the end of February.

2011/12

The individual allocation for 2011/12 covered three projects. Actual income and grant expenditure to 31 January 2014 was as follows:

Element	Budget \$	Actual \$
Income		
Grant	<u>335,468</u>	<u>335,468</u>
Expenditure		
Brockman Street caravan park	100,000	9,891
Heart of Nannup – consultation & design	14,250	14,250
Heart of Nannup – services relocation	81,468	0
Recreation Centre	140,000	0
Total Expenditure	<u>335,468</u>	<u>24,141</u>
Balance	<u>0</u>	<u>311,327</u>

Shire of Nannup
Ordinary Council Meeting Minutes: March 2014

Council amended the use of the Main Street Upgrade Reserve on two occasions:

1. To allocate \$100,000 of the reserve to the Brockman Street Caravan Park upgrade to replace the funding lost from the 2012/13 Individual allocation (see below); and
2. To allocate up to \$176,981 to the Recreation Centre Upgrade to underpin the budget for fundraising and sponsorship.

The impact of this was to reduce the reserve to very low levels, which would not allow the design work on the project to be fully funded. In order to address this officers have sought to agree a variation to the Financial Assistance Agreement (FAA) to allow funding to be moved from construction to design. The Department for Regional Development were unable to agree to this as the funding must be primarily for the construction of infrastructure. However, agreement has been reached to amend the FAA to increase the allocation to the Recreation Centre project. This will allow a compensating transfer to be made from the Recreation Centre Reserve to the Main Street Upgrade Reserve, providing sufficient funds to complete the design work from the council's own resources. The revised allocation is set out below.

Element	Budget \$	Actual \$
Income		
Grant	335,468	335,468
Expenditure		
Brockman Street caravan park	100,000	14,552
Recreation Centre	235,468	0
Total Expenditure	335,468	14,552
Balance	0	320,916

Since \$14,250 has already been spent on the design work for the Main Street project the transfer from the Recreation Centre Reserve will need to be reduced by this amount. A transfer of \$81,468 will therefore be required.

The regional allocation for 2011/12 covered three projects. Actual income and grant expenditure to 31 January 2014 was as follows:

Element	Budget \$	Actual \$
Income		
Grant	250,188	250,188

Shire of Nannup
Ordinary Council Meeting Minutes: March 2014

Expenditure		
Heart of Nannup - design	33,528	33,528
Heart of Nannup – service relocations	95,000	0
Heart of Nannup - footpaths & kerbs	106,500	0
Heart of Nannup – traffic management	7,160	0
Heart of Nannup – project management	8,000	0
Total Expenditure	250,188	33,528
Balance	0	216,660

2012/13

The individual allocation for 2012/13 will not now be received because this funding was cut from the State budget for those authorities that had not acquitted their Individual 2010/11 grant by 30 June 2013. Council's request for a review of this decision did not result in it being rescinded, although WALGA continues to press the issue with the Minister. The new Minister, the Hon Terry Redman MLA, is sympathetic to the plight of those councils who have been deemed ineligible for the funding and is seeking to have the funding reinstated in the 2014/15 budget. Letters have been received from both the Minister and the Director General of the Department for Regional Development; these are appended at Attachment 2.

The regional allocation is devoted entirely to the Heart of Nannup project. The project has been approved by the Department for Regional Development and the Financial Assistance Agreement is awaited. The position is summarised below.

Element	Budget	Actual
	\$	\$
Heart of Nannup	386,188	0
Total	386,188	0

2013/14

The funding for 2013/14 was cut from the State budget following the election last year.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

A transfer of \$81,468 from the Recreation Centre Reserve to the Main Street Upgrade Reserve.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That \$81,468 be transferred from the Recreation Centre Reserve to the Main Street Upgrade Reserve.

9107 LONGMORE/LORKIEWICZ

That \$81,468 be transferred from the Recreation Centre Reserve to the Main Street Upgrade Reserve.

CARRIED 6/0

AGENDA NUMBER:	12.10
SUBJECT:	Update of the Long Term Financial Plan
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 29
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	17 March 2014

BACKGROUND:

Council adopted the Long Term Financial Plan at its meeting on 27 June 2013. This plan was based on the 2012/13 budget projected forward for known variations and predicted a rate increase of 6.92% for 2013/14, with consequent impacts on future years. It is good practice to review the projections on an annual basis to inform the budget debate for the upcoming financial year.

COMMENT:

The actual budget adopted for 2013/14 was markedly different to the projected position used in the adopted Long Term Financial Plan; the actual rate of 5% increase was lower than predicted and the budget contained measures to mitigate cost pressures projected for 2015/16.

The main issue facing the council over the next 10 years continues to be the loss of capital grant funding for the Mowen Road construction project. The operational expenditure currently being supported by capital grants will need to be met from rate income unless compensating income streams or savings in operational expenditure can be identified. This represents a significant challenge for the council.

This issue was initially identified in the preparation for the 2012/13 budget, when the Long Term Financial Planning model was initially developed. At that time the increase in rates in 2015/16 was projected to be just over 100% but decisions taken during the budget process and further refinement of the model reduced this projection to just over 38%. The budget for 2013/14 included further measures to mitigate the projected increase, notably the establishment of a Rate Equalisation Reserve.

The projections in the Long Term Financial Plan have been updated to reflect the actual budget adopted for 2013/14 and known variations that will be incorporated

in the 2014/15 budget. The main change to the projections is that the impact of the withdrawal of the capital grant for the Mowen Road construction project has been brought forward to 2014/15. The reason for this is that the expenditure profile on the project for 2014/15 is different to the 2013/14 profile. The change is primarily in the balance of expenditure between the in-house the work crew and external contractors. As 2014/15 is the last year of works the expenditure profile is skewed to be predominantly external contractors.

This change produces an anticipated rate requirement 27% higher for 2014/15 than 2013/14; however this is mitigated by the removal of the contribution to the Rate Equalisation Reserve of \$150,000, reducing the increase to 11.7%. The increase for 2015/16 is initially projected to be 33% but this includes some one-off capital expenditure which could be deferred to future years or only undertaken if suitable grants can be sourced. If this capital expenditure is removed from the projection then the increase for 2015/16 would reduce to around 22%.

The table below summarises this position.

Year	Rate Requirement	Increase Annual \$	Increase Annual %
2013/14	1,298,032	0	5.00
2014/15	1,449,550	151,514	11.67
2015/16	1,774,019	324,468	22.38
2016/17	1,992,226	218,207	12.30
2017/18	2,059,218	66,993	3.36
2018/19	2,090,050	30,832	1.50
2019/20	2,140,999	50,949	2.44
2020/21	2,160,426	19,427	0.91
2021/22	2,233,567	73,141	3.39
2022/23	2,221,900	-11,667	(0.52)
2023/24	2,280,999	59,100	2.66

After the financial position stabilises by 2017/18 the pressure on income streams is expected to reduce and rate increases of around the level of CPI are anticipated.

Council has not set a “target rate” for rate increases. The setting of a “target rate” would allow the projections to incorporate a savings target, changing the emphasis of the projection away from the potential rate burden and focussing instead on the measures needed to reduce the net budget to the target level. Where the projected increase is lower than the “target rate” it would identify headroom which could be used to fund special projects; this could be done through a reserve contribution. This would be one way of replacing funding such as Royalties for Regions. The 5% figure suggested in the recommendation reflects comments from the Long Term Financial Plan workshop.

Setting a “target rate” (whether it be the 5% as suggested in the recommendation or some other figure) is a financial planning tool and would not be the equivalent of setting future rate increases, as each year’s rate would still be considered on its merits in the annual budget.

Budget workshops for 2014/15 have already commenced and are focussed on reducing the projected increases over the coming years to a more acceptable level. A Council workshop in the new financial year will re-examine the Long Term Financial Plan.

STATUTORY ENVIRONMENT:

The Local Government Act 1995 provides the statutory framework for strategic planning in local government.

POLICY IMPLICATIONS:

There will be considerable policy implications regarding future budgets as a result of the projections in the Long Term Financial Plan.

FINANCIAL IMPLICATIONS:

The 2014/15 projected budget will need to be reduced to achieve an acceptable rate increase.

STRATEGIC IMPLICATIONS:

The Long Term Financial Plan sets out the strategic financial issues facing the council over the next ten years.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

Council note the revised projections in the Long Term Financial Plan and set a “target rate” of 5% on which to base estimates of required savings or opportunities for investment in community services.

9108 GILBERT/SLATER

Council note the revised projections in the Long Term Financial Plan and set a “target rate” of 5% on which to base estimates of required savings or opportunities for investment in community services.

CARRIED 6/0

AGENDA NUMBER:	12.11
SUBJECT:	Budget Monitoring – February 2014
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Finance Officer
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	10 March 2014

- Attachment 1. Monthly Financial Statements period ending 28 February 2014
 2. Table Showing Detailed Variances for 2013/14

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 appended at Attachment 1.

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

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

COMMENT:

The gross deficit that is anticipated for the end of this financial year is expected to be \$1,474; this is shown in the table below.

	<i>(Surplus)/Deficit</i> \$
Gross (surplus)/deficit expected for the year	
Income – under received	\$670,333
Expenditure – underspent	-\$668,859
Projected deficit at end of the year	\$1,474

This has changed dramatically from previous reports as a result of analysis completed within the infrastructure area. While overall income within our adopted budget is still lower than originally projected and expenses in some areas are still expected to exceed expectations, there is an anticipated saving within the Parks and Gardens areas of approximately \$50,000 and this has seen the anticipated deficit drop significantly. Significant variances are detailed in the following paragraphs.

Income for the year is expected to be \$670,333 lower than budgeted. The main reason for this is that the Royalties for Regions grants for 2013/14 will not be received following the revisions to the State Government's budget. This will have no net effect on the council's budget since these grants had been allocated to specific projects; the spending on these projects will be reduced to compensate for the loss of grant.

Income in Education and Welfare is approximately \$25,400 higher than budgeted due to the receipt of a grant to develop a heritage trail and for the Town Hall Centenary celebrations; this will be matched by expenditure and will not therefore result in a budget variation.

Department of Transport licensing commission is expected to be approximately \$20,000 higher than budgeted. This increase in income will be used to fund the Scott River Growers Group expenditure of \$15,000 approved by Council in August 2013 and to offset capital expenditure of \$5,800 at the caravan park.

There is also a significant income variation in the anticipated income from planning fees. This has been increased to \$6,000 to reflect the actual income to date already exceeding the 2013/14 budget.

As mentioned earlier within this report, savings are currently being shown within the Parks and Gardens of \$50,000. This is a combined result of careful planning and spending. The savings will be used to offset the repairs to council vehicles which is expected to result in an overspend of \$30,000 at the end of the year. As mentioned in our August 2013 report, this overspend is due to a major repair to a grader that was initially hoped could be substantially recouped from the supplier.

Private works income will also exceeded budget expectations; at this stage it is anticipated that there will be a surplus of \$49,000 in this area. However Councillors will be aware that as per our policy WRK 12, all profit on Private Works generated during the year is to be transferred from the Municipal Fund to the Plant Reserve Fund each year. Therefore this additional income will have no overall effect on our end of year position.

The income and expenditure of the caravan park is being monitored and income appears to be tracking consistent with budgetary expectations. Current expectations should see it reach the budgeted figure of \$140,000. In terms of

expenditure, this is still being monitored closely as a result of lack of historic data. To date this area is trending with higher than expected expenses within the utilities and maintenance areas. At this point it is anticipated that the overall expenses within this area will exceed the budget by \$18,000.

Other areas with higher expenditure than shown within the Budget for 2013/14 include the Recreation Centre maintenance and Planning administration. Please refer to attachments for detailed breakdowns within these areas.

All capital expenditure items are currently within allocated budgets.

Previous reports stated that the any deficit would be supported in full by the uncommitted surplus carried forward from the 2012/13 financial year. This now appears unnecessary if projections continue as anticipated.

Officers will continue to monitor spending and adjust where possible to eliminate any overspends currently projected.

Attachment 2 provides a detailed breakdown of income and expenditure incurred to 31 January 2014 and the associated annual budgets. The first two columns show the budget and the income or expenditure to date against each account code. The two columns on the right show the budget remaining for the year and the anticipated income or expenditure at the year end.

The variances shown in the statutory statements at Attachment 1 that are not commented on above result from income and expenditure not being in accordance with the profile 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:

In accordance with Council Resolution 9095 surpluses or deficits arising at the end of the year will be transferred to the Rate Equalisation Reserve.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 28 February 2014 be received.

9109 SLATER/LONGMORE

It is recommended that the Monthly Financial Statements for the period ending 28 February 2014 be received.

CARRIED 6/0

AGENDA NUMBER:	12.12
SUBJECT:	Monthly Accounts for Payment
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Tracie Bishop – Finance Officer
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	Date 17 March 2014

Attachment 1: Schedule of Accounts for Payment – Feb 2014

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 28 February 2014 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

If Councillors have questions about individual payments prior notice of these questions will enable officers to provide properly researched responses at the Council meeting.

There are two corporate credit cards currently in use. The 2012/13 audit included a recommendation to show the breakdown of this expenditure in the monthly financial report to comply with financial regulations. This breakdown is now shown, when available, in Attachment 2. Please note that due to relevant staff members being away on leave this report has not been completed for this period but will be included within the April report.

Municipal Account

Accounts paid by EFT	5736 - 5836	\$ 475,717.85
Accounts paid by cheque	19431 –19430	\$18,020.26
Accounts paid by Direct Debit		\$0.00
Sub Total Municipal Account		\$493,738.11

Trust Account

Accounts paid by EFT	\$0.00
Accounts Paid by cheque	0.00

Sub Total Trust Account	<u>\$0.00</u>
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Total Payments	<u><u>\$493,738.11</u></u>
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STATUTORY ENVIRONMENT: LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: As indicated in 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 \$493,738.11 in the attached schedule be endorsed.

9110 MELLEMA/LONGMORE

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$493,738.11 in the attached schedule be endorsed.

CARRIED 6/0

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

(a) OFFICERS

None.

(b) ELECTED MEMBERS

13 (b)1.Recreation Centre Upgrade

13 (b)2.CEO Performance and Remuneration Review

9111 LONGMORE/MELLEMA

That Council introduce new business of an urgent nature.

13 (b)1.Recreation Centre Upgrade

13 (b)2.CEO Performance and Remuneration Review

CARRIED 4/2

Voting for the motion: Dean, Gilbert, Longmore and Mellema

Voting against the motion: Lorkiewicz and Slater

Cr Dean declared an impartiality interest in the following item due to being President of the Nannup Sports Association.

GILBERT/MELLEMA

Cr Dean to stay, participate and vote on item 13 (b)1 – Recreation centre Upgrade.

LOST 2/3

Voting for the motion: Gilbert and Mellema

Voting against the motion: Lorkiewicz, Longmore and Slater

Cr Dean left the meeting at 16.45pm.

Cr Mellema assumed the Chair.

9112 MELLEMA/LONGMORE

13 (b)2. Recreation Centre Upgrade

That Council authorise the Chief Executive Officer to find an additional \$20,000 in savings for the proposed Recreation Centre upgrade so as to meet budgetary constraints.

CARRIED 3/2

Voting for the motion: Gilbert, Longmore and Mellema

Voting against the motion: Lorkiewicz and Slater

Cr Dean returned to the meeting at 17.52.

Cr Dean resumed the chair.

13(b)1. CEO Performance and Remuneration Review

Pursuant to Section 5.23 (2) of the Local Government Act 1995 the following item deals with:

- (a) a matter affecting an employee, and*
- (b) the personal affairs of a person,*

and hence Council is advised to close the meeting to members of the public by resolution.

9113 LORKIEWICZ/MELLEMA

That Council close the meeting to the public.

CARRIED 6/0

The meeting was closed to the public at 17.55 hours.

The public and officers left the meeting.

9114 LORKIEWICZ/MELLEMA

That Council suspend standing orders.

CARRIED 6/0

Standing Orders were suspended at 17.55 hrs.

9115 LONGMORE/MELLEMA

That Standing Orders be resumed.

CARRIED 6/0

Standing Orders were resumed at 17.57 hrs.

AGENDA NUMBER:	13(b).1
SUBJECT:	CEO Performance and Remuneration Review
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	Mr Robert Jennings
FILE REFERENCE:	P191
AUTHOR:	Tony Dean – Shire President
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	Mr Robert Jennings LG Act 5.63 (1) (d) (i)
DATE OF REPORT	Date 17 March 2014

9116 MELLEMA/LORKIEWICZ

That council:

1. Congratulates Robert for his excellent job as CEO during the previous year.
2. Increases the CEO's salary by the published CPI (December 2013 quarter) of 2.9% from the beginning of the first pay period on or after 30th April 2014.

CARRIED 6/0

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

Nil

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

Cr Gilbert

Q1. What is the maximum standard variation applicable to a paved main street footpath?

A1. It would appear that there are varied standards applied from different agencies and local governments.

Council's insurers supplied the following information for asphalt footpaths direct from the Australian standards.

10 ASPHALT PAVEMENTS

10.1 General

An asphalt residential pavement may be constructed as a full depth asphalt pavement or consist of a combination of sub-base, basecourse and asphalt surfacing.

A typical cross-section of an asphalt pavement is shown in Figure 8. Typical pavement specifications are given in Table 4.

10.2 Preparation for pavement construction

The subgrade should be sprayed with a soil sterilizer to stop unwanted plant growth.

The surface of the basecourse prior to laying asphalt should be firm and free of surface water or loose material and dust. Immediately prior to placing asphalt, the surface of the basecourse should be tack coated with a bituminous emulsion spray in accordance with AS 2734. Where full depth asphalt is placed directly on the subgrade, a tack coat is not required.

10.3 Asphalt

Asphalt should be manufactured, laid and compacted in accordance with AS 2150 and AS 2734. Mixes should generally be AC 10, AC 7, or AC 5, having nominal maximum size aggregates of 10 mm, 7 mm and 5 mm respectively and have mix proportions that conform to those given in AS 2734. Class 170 bitumen should be selected for the binder, except for extremely high ambient temperature areas where Class 320 should be used.

10.4 Surface finish

The asphalt pavement should be compacted while hot (above 140°C) to achieve a dense, smooth surface, free of roller marks or loose material. Except in inaccessible areas where vibratory plates and hand tampers are permissible, the compaction should be by mechanized rollers.

Finished surface levels should be within 10 mm of the specified level at any point, and the surface on a plane section should not deviate by more than 10 mm from the bottom of a 3 m long straightedge laid in any direction. The minimum site density of the compacted mix should be 95 percent of the 50 blow Marshall density of the laboratory compacted mix as specified in AS 2150.

As there appears to be variations in standards for different materials used to construct footpaths, Local Governments have created their own policies on what level of variation is allowable and at what height remedial action will be taken. These variations range from 10mm to 20mm with various actions dependant on the height.

What also needs to be taken into account is the quality of base materials, pest control, trees, vehicles driving on footpaths, builders not adhering to proper process and the age of the current main street footpath.

Another issue is resource availability to repair footpaths, including not been able to source these particular pavers. Any issues adjoining other agency infrastructure (Telstra, Western Power and Water Corp) pits is the responsibility of that agency unless the damage is done by Council works.

16. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 18.00 hours.