



Shire of
Nannup
rest • connect • grow

Minutes

Public Copy

Council Meeting held Thursday 26 March 2015

Unconfirmed

Contents

Item	Minute	Title	Page
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	1
5		Applications For Leave of Absence	2
6		Petitions/Deputations/Presentations	2
7		Declarations of Interest	2
8		Confirmation of Minutes of Previous Meetings	2
	9152	Confirmation of Previous Council Minutes	2
	9153	Confirmation of Special Council Meeting Minutes	3
9		Minutes Of Council Committees	3
		Endorsement of Audit Committee Minutes	3
10		Announcements By Presiding Member Without Discussion	3
11		Reports By Members Attending Committees	3
12		Reports of Officers	
	9154	Procedural Motion	
	9155	Procedural Motion	
12.1	9156	Amendment No. 16 to the Shire of Nannup Local Planning Scheme No. 3: submitted for final adoption.	4
12.2	9157	Modifications to Local Planning Policy No. 19 – Heritage Conservation: Submitted for final adoption.	13
12.3	9158	Planning Application for a single chalet Lot 1 on D83038 and Strata Lot 2 on Strata Plan S23764 Graphite Road, Carlotta	22
12.4	9159	Living Sculpture Project	31
12.5	9160	Lower Blackwood Land Conservation District Committee – Committee Membership	33
12.6	9161	Water Supply Improvements – Proposal to Construct a 1ML Storage Tank and Two 150mm Water Mains	35
12.7	9162	Proposed 2015/16 Fees and Charges	37

**Shire of Nannup
Ordinary Council Meeting Minutes: 26 March 2015**

12.8	9163	Budget Monitoring – February 2015	41
12.9	9164	Review of the Internal Control Manual	45
12.10	9165	Review of Delegations	47
12.11	9166	Review of Financial Policies	51
12.12	9167	Monthly Accounts for Payment – February 2015	53
13		New Business Of An Urgent Nature Introduced By Decision Of Meeting	
13.1		Officers	55
13.2		Elected Members	55
14		Meeting Closed To The Public (Confidential Items)	
14.1		Matters For Which The Meeting May Be Closed	55
14.2		Public Reading Of Resolutions That May Be Made Public	55
15		Elected Members Motions Of Which Previous Notice Has Been Given	55
16		Question By Members Of Which Due Notice Has Been Given	55
17		Closure Of Meeting	55

Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 16:15 hours.

ATTENDANCE:

Shire President: Cr A Dean

Deputy Shire President: Cr R Mellema

Councillors: C Gilbert, R Longmore, J Lorkiewicz, N Steer and A Slater

Peter Clarke – Chief Executive Officer

Vic Smith – Manager Corporate Services

Chris Wade - Manager Infrastructure

Tracie Bishop – Finance Officer

Steve Thompson – Town Planning Consultant

VISITORS: Ms P Fraser, Ms H Walford, Mr L Horne, Ms Louise Stokes, Messrs Peter and Rod Archdall.

APOLOGIES: Cr C Stevenson

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (Previously approved)

Nil

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Ms P Fraser

Q1. You have advertised for a Corporate Service Officer, is this a new position and is it in the current budget?

Chief Executive Officer responded

A1. No, this is not a new position; it is a replacement for the current Corporate Service Officer, Tracie Bishop who was successful in her application of Manager Corporate Services. In relation to inclusion within the current budget, based on the above, yes this position does have budgetary consideration.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr Lewis Horne presented to Council the final design of the "Living Sculpture" that had been selected by the Nannup Garden Village Committee following a thorough consultation with the community. Mr Horne advised that if Council approved of the design it would then be presented to a Structural Engineer for appropriate approvals.

The Shire President thanked Mr Horne for the presentation and advised that Council would be considering the design further in Item 12.4 of the Council Agenda.

Messrs Peter & Rod Archdall presented a proposal to develop Industrial land within the Nannup town site to be re-zoned as Special Residential. Mr Peter Archdall indicated that they were initially seeking Council's views on the proposal and highlighted the need for additional residential land to be made available.

Following the above presentation, the Shire President thanked both gentlemen for presenting the proposal and based on the advice of Council's Town Planning Consultant, suggested that they await the outcomes of the Shire of Nannup Town Planning Strategy currently before the WA Planning Commission and which will determine whether the proposal is possible based on future planning.

7. DECLARATIONS OF INTEREST

There was one declaration of Interest presented during the meeting

Cr Lorkiewicz – Item 12.2. Heritage Policy - Financial Interest

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9152 STEER/LORKIEWICZ

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 26 February 2015 be confirmed as a true and correct record.

CARRIED 7/0

9153 STEER/LORKIEWICZ

That the Minutes of the Special Council Meeting of the Shire of Nannup held in Council Chambers on 13 March 2015 be confirmed as a true and correct record

CARRIED 7/0

9. MINUTES OF COUNCIL COMMITTEES

The Audit Committee Minutes of 22 January 2015 as previously circulated to Councillors were endorsed.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

Cr Longmore reported on a meeting he attended on Friday 20th March 2015 in Manjimup in which 9 Lower South West Community Organisations shared in funds through the State Government's Royalties for Regions Community Chest Funds grants.

AGENDA NUMBER:	12.1
SUBJECT:	Amendment No.16 to the Shire of Nannup Local Planning Scheme No. 3: submitted for final adoption
LOCATION/ADDRESS:	Whole of Shire, unless modifications agree to limit the extent of the Amendment 16 proposals.
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TPL1/16
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	Peter Clarke – 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:	13 March 2015
PREVIOUS MEETING REFERENCE:	24 July 2014
ATTACHMENTS:	12.1.1 Submissions 12.1.2 Schedule of Submissions 12.1.3 Shire of Nannup submission on draft <i>Planning and Development (Local Planning Schemes) Regulations 2014</i> 12.1.4 Suggested area to be covered by the proposed <i>Local Planning Policy - Residential Development and Design</i> relating to the Amendment 16 proposal for single dwellings

SUMMARY

It is recommended that Council grant final adoption to Scheme Amendment No. 16 subject to modifications from the publicly advertised version.

BACKGROUND:

A) Purpose

The purpose of Amendment No. 16, to the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*, is to provide a statutory “head of power” to enable the local government to require a Planning Application for single houses that are inconsistent with the area’s character as set out in a proposed *Local Planning Policy – Residential Development and Design*.

B) Council resolution

At the Council Meeting of 24 July 2014, Council passed the following motion, at minute No 9150:

"That Council:

1. Agree to adopt (initiate) an amendment to the *Shire of Nannup Local Planning Scheme No. 3*, pursuant to Part 5 of the *Planning and Development Act 2005*, by modifying Clause 8.2(b) of the Scheme through the following changes outlined in bold and strikeout:
 - (vi) is within the Landscape Values Area; ~~or~~
 - (vii) is on a lot or location which does not have access to a dedicated and/or constructed road; **or**
 - (viii) is inconsistent with a Local Planning Policy relating to development, design or related matter.**
2. Following the gazettal of Scheme Amendment No. 13, prepare scheme amendment documents to the satisfaction of the Chief Executive Officer and authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 16 documents.
3. Note the Shire's Chief Executive Officer will refer Scheme Amendment No. 16 to the Environmental Protection Authority for assessment pursuant to section 81 of the *Planning and Development Act 2005*. Should the Environmental Protection Authority advise that the amendment does not require assessment, advertise the amendment in accordance with the *Town Planning Regulations 1967*.
4. Forward a copy of the amendment to the Western Australian Planning Commission for information."

C) Referral to EPA and community/stakeholder consultation

Following the Council resolution, the amendment document was drafted and the Shire awaited the gazettal of Scheme Amendment No. 13 which occurred on 5 December 2014. Amendment 13 extended the range of permitted development (increased the range of development which does not require planning approval).

Following referral of Amendment 16 to the Environmental Protection Authority (EPA), the EPA determined that Amendment 16 should not be assessed via an environmental impact assessment. The EPA decision effectively gave its "environmental clearance" to Amendment 16.

Following the receipt of the EPA decision, the Shire met the requirements of the *Town Planning Regulations 1967* through seeking public comment on Amendment 16 for a six week period through writing to relevant State Government departments, servicing agencies and stakeholders, placing public notices in local

papers, details being on the Shire's website and having information available at the Shire office.

The Shire received two submissions on Amendment 16. The submission from the Housing Industry Association objected to the proposal while the Department of Planning advised it would be premature to make comments at this time. The submissions are outlined in Attachment 12.1.1, while the associated Schedule of Submissions is set out in Attachment 12.1.2.

D) Local planning context

As Councillors are aware, LPS3 provides the statutory basis for the local government to regulate development and land use. There is however no statutory head of power for the local government to consider design matters for single houses (one dwelling per lot) that comply with LPS3 setback requirements and the *Residential Design Codes of Western Australia* (R Codes). Currently, single dwellings that comply with LPS3 setbacks and the R Codes do not require planning approval and proceed straight to an application for a Building Permit. Aesthetic design considerations are not matters that can be addressed through the Building Permit process. Provided that a single house complies with the *Building Code of Australia*, it will be issued a Building Permit.

Currently, most single houses in the district and extensions to dwellings do not require the submission of a Planning Application to the local government. This approach is generally supported. There are however some forms of development and design of single houses that are arguably inconsistent with the character of the area which, if constructed, could detrimentally impact the area's amenity.

Related to the above, there is no Local Planning Policy relating to building design in the district outside of the town centre for residential or non-residential development. The lack of guidance has, and will have, implications for the Council and the Shire administration assessing a range of Planning Applications. Design considerations have, and will continue, to regularly come up. Appropriate residential design is expected to become even more critical as densities generally rise and there is greater infill development in the coming years. Retaining Nannup's "village character" could arguably be threatened, especially given there is no statutory head of power and/or policy guidance for most of the district as to what forms of design are supported or not supported.

E) What type of single houses could require a Planning Application?

Assuming the Minister for Planning approves Amendment 16, the proposed range of single houses that would be subject to a Planning Application is intended to be outlined in the proposed *Local Planning Policy – Residential Development and Design*. Associated with this, there is a need for considerable community/stakeholder debate on the draft Policy. It is highlighted that design

issues, particularly residential design, are difficult but are an important planning and community issue.

While noting the above, the draft Policy is expected to:

- set out guidelines for residential development and design which include single houses, grouped dwellings, caretaker dwellings and other forms of long-term habitable accommodation;
- encourage appropriate development and where relevant, control residential development by establishing minimum residential design requirements;
- support attractive and sustainable dwellings that strengthen local identity. It will not prescribe particular architectural styles (although a limited number of designs will be not favoured), nor inhibit creative design, but will provide a framework to retain or enhance the character of the area;
- require the submission of a Planning Application for residential designs that are considered inconsistent with Nannup's character such as "shouses" (barn/outbuilding style dwellings), dwellings constructed from dongas and sea containers along with Tudor and Mediterranean styles in the Nannup townsite. For instance, "shouses" provide minimal windows or no verandas and are considered by many community members as visually unappealing and result in undesirable residential character; and
- provide greater flexibility in rural areas, other than in Landscape Values Areas, compared to the Residential Zone regarding supported dwelling designs.

Applicants can still apply for a single house which is inconsistent with the *Residential Development and Design Policy*. It is expected that applications that are inconsistent with the endorsed Policy may be advertised for comment before determination by the local government. It is intended to seek a balance between not unduly inhibiting architectural designs with promoting a high quality neighbourhood appearance and character.

F) Draft Planning and Development (Local Planning Schemes) Regulations 2014

At a State level, the draft Regulations have recently been subject to stakeholder review. The draft Regulations cover a range of matters including setting out what forms of development do not require planning approval. Currently, no decision has been made by the State Government on the Regulations.

The Shire made a submission to the Minister for Planning on the draft Regulations which is outlined in Attachment 12.1.3. The Shire in part suggested modifications to Schedule 2 Part 6 Clause 36 (1) (d) Single house and minor development exemptions. The Shire suggested that this section should be amended to state that single houses are exempt "if the development satisfied the deemed-to-comply

requirements of the R-Codes and the requirements of the local planning scheme and endorsed local planning policies" (bold added). This will ensure that the deemed provisions accurately reflect local variations endorsed through any specific local planning scheme provisions as well as any local planning policies adopted in accordance with Clause 7.3 of the R-Codes.

Should the Regulations be gazetted as currently drafted, there are threats that poor designs will detrimentally impact on Nannup's amenity and have economic implications. It is highlighted that much of Nannup's tourism and economic development derives from its built and natural character.

COMMENT:

1. Overview

Following an assessment of the submissions it is suggested that Amendment 16 is suitable for final adoption subject to modifications to the Council adopted and publicly adopted version. In particular, it is recommended that Amendment 16 require a Planning Application for single houses which are inconsistent with proposed *Local Planning Policy – Residential Development and Design* in the Nannup townsite for the area covered by Attachment 12.1.4. The reasons include:

- it achieves a balanced outcome which is suitable for Nannup's context in that there are a relatively low number of Building Permits for single dwellings each year in Nannup, larger building companies generally don't operate in Nannup and most new dwellings will be a single house (one dwelling per lot);
- poor designs will detrimentally impact on Nannup's amenity and have economic implications. It is highlighted that much of Nannup's tourism and economic development derives from its built and natural character;
- addressing character is a valid planning consideration especially for the Nannup townsite, relative to rural areas in the district or outer suburban areas in Perth;
- a "one size fits all" approach across the State does not respect local circumstances and Nannup's character; and
- it is consistent with various Western Australian Planning Commission (WAPC) strategies including *State Planning Strategy 2050*, *South-West Framework* and the draft *South West Regional Planning and Infrastructure Framework*. The Framework and the draft Framework include various statements relating to design including:
 - facilitating high-quality urban design that is sensitive to, and enhances the identity and character of the South-West's towns and settlements;

- ensuring that new development reflects and enhances the natural, cultural, visual and built character of the local and regional landscape; and
- ensuring that new development reflects the South-West's climate and incorporates climate design principles, including orientation, siting, passive climate control, sustainable recycling, and efficient water management.

However, without a statutory "head of power" to enable the local government to assess Planning Applications for single houses that are inconsistent with the area's character, there is no ability to implement WAPC strategic requirements.

2. Suggested modifications to Amendment 16 – LPS3 Clause 8.2(b)

The modifications, from the Council resolution on 24 July 2014 and the publicly advertised version are outlined below in underline, while the changes outlined in bold and strikethrough were subject to community/stakeholder consultation:

"Modifying Clause 8.2(b) of the Scheme through the following:

- (vi) is within the Landscape Values Area; ~~or~~
- (vii) is on a lot or location which does not have access to a dedicated and/or constructed road; **or**
- (viii) **is inconsistent with a Local Planning Policy relating to development, design or related matter which is endorsed by the Western Australian Planning Commission.**"

In particular, it is suggested that the words "which is endorsed by the Western Australian Planning Commission" be added. This should provide increased assurances to the Minister for Planning, WAPC and the Housing Industry Association that the proposed *Local Planning Policy – Residential Development and Design* will seek a balance between not unduly inhibiting architectural designs with promoting a high quality neighbourhood appearance and character. It is expected that the WAPC will primarily limit their comments on the Policy to areas subject to the *Residential Design Codes of Western Australia* and particularly in relation to single houses on design considerations (which are subject to the Amendment 16 proposal).

3. Extent of area subject to the Amendment 16 proposal

The advertised version of Amendment 16 assumed the future *Local Planning Policy – Residential Development and Design* would apply the Amendment 16 proposal relating to relevant single houses throughout the district. To maximise the likelihood of the Minister for Planning approving Amendment 16 and providing increased certainty to the development industry and builders in particular, it is suggested that the future Policy, relating to single houses, only apply to the

Nannup townsite (based on zoning rather than as set out in the *Land Administration Act 1997*).

In particular, it is suggested that the Policy apply to the area shown in Attachment 12.1.4 which includes areas zoned "Residential" along with smaller areas zoned "Special Residential" as part of the Askino development, "Special Use Zone No. 5" (residential areas adjoining Higgins Swamp) along with areas zoned "Town Centre" and "Mixed Use". The area shown in Attachment 12.1.4 does not include areas zoned "Special Rural" (including Cockatoo Valley and land west of the Nannup townsite), or zoned "Future Development" which is land east of Dunnet Road (Mount Folly).

Other options regarding the extent of the Amendment 16 proposals include:

- a smaller area limited to the more established part of the Nannup townsite;
- including areas zoned "Special Rural" near the Nannup townsite, but excluding more isolated areas zoned "Special Rural" such as Jalbarragup; or
- the entire district.

4. Housing Industry Association submission

Comments responding to the matters raised by Housing Industry Association submission are set out in Attachment 12.1.2.

5. Next steps with Scheme Amendment No. 16

Subject to the Council's decision, the WAPC will next assess the scheme amendment request with the final decision made by the Minister for Planning.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Town Planning Regulations 1967, LPS3 and Residential Design Codes of Western Australia.

POLICY AND CONSULTATION IMPLICATIONS:

There are no policy implications at this stage. Should the Minister for Planning approve Amendment 16, then draft *Local Planning Policy – Residential Development and Design* will be refined, considered by Council and then released for community and stakeholder consultation.

Amendment 16 has recently been advertised for community and stakeholder comment for a 6 week period.

FINANCIAL IMPLICATIONS:

The public advertising of Amendment 16 was a budgeted cost.

STRATEGIC AND IMPLICATIONS:

A gazetted Amendment 16 and associated Local Planning Policy are expected to have no financial impacts for most applicants as no Planning Application is required for most single houses in the district. In some situations, there may be added costs where an applicant, for instance, had proposed to build a dwelling with a design inconsistent with *Local Planning Policy – Residential Development and Design*. The applicant may be required to “soften” the building with verandas, re clad or in limited circumstances seek approval for a different form of house which is more in keeping with the character of the area.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That Council:

1. In pursuance of Section 75 of the *Planning and Development Act 2005* grant final adoption of Amendment No. 16 to the *Shire of Nannup Local Planning Scheme No. 3* through the following changes to Clause 8.2(b) of the Scheme as set out below in bold and strikeout:
 - (vi) is within the Landscape Values Area; ~~or~~
 - (vii) is on a lot or location which does not have access to a dedicated and/or constructed road; **or**
 - (viii) is inconsistent with a Local Planning Policy relating to development, design or related matter which is endorsed by the Western Australian Planning Commission.**
2. Adopt the recommendations in Attachment 12.1.2 relating to submissions and advise all stakeholders who lodged a submission that their comments were noted.
3. Refer Scheme Amendment No. 16 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.

9154 MELLEMA/LORKIEWICZ

That Standing Orders be suspended to allow full discussion on this item

CARRIED 7/0

Standing Orders were suspended at 16:45 hours

Standing Orders were suspended to allow Councillors to seek further clarification on issues pertaining to this item from Council's Town Planning Consultant.

9155 GILBERT/STEER

That Standing Orders be resumed.

CARRIED 7/0

Standing Orders were resumed at 17:05 hours

9156 GILBERT/STEER

That Council:

- 1 In pursuance of Section 75 of the *Planning and Development Act 2005* grant final adoption of Amendment No. 16 to the *Shire of Nannup Local Planning Scheme No. 3* through the following changes to Clause 8.2(b) of the Scheme as set out below in bold and strikeout:
 - (vi) is within the Landscape Values Area; ~~or~~
 - (vii) is on a lot or location which does not have access to a dedicated and/or constructed road; ~~or~~
 - (viii) **is inconsistent with a Local Planning Policy relating to development, design or related matter which is endorsed by the Western Australian Planning Commission.**
- 2 Adopt the recommendations in Attachment 12.1.2 relating to submissions and advise all stakeholders who lodged a submission that their comments were noted.
3. Refer Scheme Amendment No. 16 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.

CARRIED 5/2

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

Voting against the motion: Crs Slater and Lorkiewicz

The CEO left the meeting at 17:14 hours.

The CEO returned to the meeting at 17:16 hours

DECLARATION OF INTEREST

Cr Lorkiewicz declared a Financial Interest in the following item as a financial supporter of her son's business at Templemore Café and Emporium which is a building to be listed on the Heritage List as part of the proposed Local Planning Policy No.19.

Cr Lorkiewicz left the meeting at 17:15 hrs.

AGENDA NUMBER:	12.2
SUBJECT:	Modifications to Local Planning Policy No. 19 – Heritage Conservation: Submitted for final adoption
LOCATION/ADDRESS:	Applies throughout the district
FILE REFERENCE:	ADM 9
AUTHOR:	Steve Thompson - Consultant Planner
REPORTING OFFICER:	Peter Clarke - 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)
PREVIOUS MEETING REFERENCE:	23 October 2014
DATE OF REPORT:	16 March 2015
ATTACHMENTS:	Attachment 12.2.1: <i>Local Planning Policy No.19 Heritage Conservation</i> – version seeking final adoption Attachment 12.2.2: Submissions Attachment 12.2.3: <i>Current Local Planning Policy No. 19 Heritage Conservation</i> (2011) Attachment 12.2.4: <i>Extract of Shire of Nannup Municipal Heritage Inventory</i> (1996) Attachment 12.2.5: <i>Extract of Shire of Nannup Local Planning Scheme No. 3</i>

SUMMARY:

To seek Council final adoption of a modified planning policy relating to heritage conservation.

BACKGROUND:

The purpose of this report is to inform Council of the public consultation outcomes and to seek Council's final adoption to a modified *Local Planning Policy No. 19* –

Heritage Conservation. The recommended final adoption version of the policy is set out in Attachment 12.2.1 which incorporates minor amendments from the version that was publicly advertised. Recommended amendments to the publicly advertised policy are outlined in “highlight” or “strikeout”.

The Council at its meeting on 23 October 2014 resolved the following at Resolution 9182:

“That Council:

1. Support the public release of the draft modified *Local Planning Policy 19 – Heritage Conservation* outlined in Attachment 12.4.1 and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Shire of Nannup Local Planning Scheme No. 3* with an increased advertising period of six weeks.
2. Reconsider the draft modified *Local Planning Policy 19 – Heritage Conservation* following the close of the public submission period and determine whether or not to adopt the policy with or without modification.”

In accordance with the Council resolution and subsequently requested by Councillors, the Shire administration consulted extensively for a 15 week period through:

- writing to owners/managers of places on the draft Heritage List;
- writing to and inviting comments from 81 stakeholders and government agencies;
- placing public notices in local papers on multiple occasions;
- placing details on the Shire website;
- placing notices around the town centre; and
- having information available at the Shire office.

The *Shire of Nannup Local Planning Scheme No. 3* (LPS3) requires that the Shire seek comment for at least 21 days on a Local Planning Policy or where a place is proposed to be included on the Heritage List. Therefore the consultation period significantly exceeds LPS3 requirements.

The Shire received 12 submissions on the draft policy (see Attachment 12.2.2). Most of the submissions are from government agencies which either support or raise no objection to the draft policy. The submission from the Anglican Church of Australia – The Diocese of Bunbury (to be called “Anglican Diocese” in this report) supports the policy; however it has some concerns with All Saints Anglican Church being included on the Heritage List.

Key matters raised through the submissions include:

- support for the policy and measures that conserve Nannup's heritage. This in turn has a corresponding positive role on supporting tourism;
- the policy will provide a sound framework for heritage planning. Adopting a policy with a Heritage List will provide clear guidelines, consistency and clarity;
- heritage agreements are a substantial commitment; and
- the development control principles are based on best practice, although modifications are suggested relating to internal works.

The Council at its meeting on 22 September 2011 granted final adoption to Local Planning Policy 19 (set out in Attachment 12.2.3). The current policy does not contain a Heritage List.

An extract of the Municipal Heritage Inventory (MHI) from 1996 is provided in Attachment 12.2.4. An MHI has no statutory power so is unable to require, for instance, a Planning Application proposing demolition of a place that is only on the MHI.

The MHI is different to a Heritage List. An MHI is a local heritage survey which identifies places that are of cultural heritage significance for the district. An MHI provides valuable information which assists the Council to determine which places should be on the Heritage List. In comparison, a Heritage List is a list of places compiled under a Local Planning Scheme for which planning approval will be required for demolition, alterations or other development affecting the cultural heritage significance of the place. Accordingly, a Heritage List will have statutory backing through LPS3.

Attachment 12.2.5 sets out an extract of LPS3 relating to heritage protection. A Heritage List must be compiled with regard to the MHI, but does not necessarily include all places on an MHI.

COMMENT:

1. Overview

It is suggested that the Council is now in a position to grant final adoption to the modified *Local Planning Policy No. 19 – Heritage Conservation* as set out in Attachment 12.2.1. This is slightly amended from the advertised draft version to reflect the content of the submissions where necessary and based on a review by the Shire administration. Considering the extensive consultation that occurred on the draft policy, resulting in only one submission raising a concern, it can only be assumed that there is overall community/stakeholder acceptance or support for the modified policy.

It is suggested there is a need to modify the Heritage Conservation Policy from the version granted final adoption on 22 September 2011. The reasons include:

- if a proposal was received today to demolish an important heritage place that is on the MHI, the Shire is not able to require the proponent to submit a Planning Application. In order to provide statutory protection to significant heritage places, the places need to be included on the Heritage List;
- a key objective of LPS3 is to ensure heritage values are protected and managed in a responsible and sustainable manner. In order to achieve this objective, LPS3 provides for the establishment of a Heritage List; and
- to clarify Council's policy position on various matters, including incentives for heritage conservation, which could include modifying development standards and possible rate rebates to achieve effective on-the-ground outcomes.

The purpose of the Heritage List is to ensure that heritage issues for places considered of State or high local significance are adequately incorporated into the planning assessment process. The aim is to ensure the heritage significance of a place is given due regard as one of the planning considerations that affect a development proposal. Inclusion on the Heritage List is not to be construed as an intention by the Shire to refuse proposals that require the demolition or modification of a listed place.

In some cases, the local government may determine that a place should be protected against demolition and refuse to grant Planning Approval. Alternatively, the local government may impose conditions in order to ensure heritage matters are appropriately addressed. It is noted that any applicant aggrieved by such a decision is able to review this decision as provided by Part 14 of the *Planning and Development Act 2005*.

2. *Places to be included and not included on the Heritage List*

The Heritage List is largely based on the MHI along with a review of the State Heritage Office's heritage database relating to the district and advice from the Nannup Historical Society. The Heritage List includes places with the following management categories set out in the MHI:

- highest level of protection and recommended for entry into the State Register of Heritage Places (called management category "A" in the policy);
- high level of protection and protect through the Scheme (called management category "B" in the policy); and
- retain and conserve if possible – conserve through the Scheme (called management category "C" in the policy).

Places which are significant, but not essential to an understanding of the district, are classified as management category "D" and are not included on the Heritage List.

Attachment 3 of the policy (Attachment 12.2.1) sets out development control principles. Given that statutory controls only relate to heritage places on the Heritage List, there are limited development control principles relating to places not included on the Heritage List. The local government is only able to encourage proponents to achieve appropriate heritage outcomes for these places.

3. Review of places on the Heritage List

The Heritage List can be modified at any time subject to any change addressing clause 7.1 of LPS3 which sets out statutory requirements for stakeholder and community consultation. It is suggested that any change is based on sound reasons to add to or delete a place or change the management category of a place on the Heritage List. In particular, it is suggested that changes to the Heritage List should be made where there is sound information that shows that the significance of the place has been altered.

The review of the MHI is expected to see possible changes to the Heritage List due to changes since 1996. The results of the updated and finalised MHI will provide the rationale to see some places possibly being added or deleted from the Heritage List or the management category being changed.

4. Submission from Mrs Linda Stanley

Mrs Stanley supports the draft policy and supports other initiatives that require future buildings conforming to Nannup's timber town image. While supporting the concept and encouraging future buildings in Nannup to adopt a particular style, there are statutory, energy efficiency, fire management and other considerations that need to be considered. Matters raised by Mrs Stanley in part relate to item 12.1.1 in the March 2015 agenda on Amendment 16 and the proposed *Local Planning Policy Residential Development and Design*. Should the Minister for Planning approve Amendment 16, it will provide a "statutory head of power" (safety net) to consider inappropriate residential development. The proposed *Local Planning Policy Residential Development and Design* will also set out the Council's preferred building styles in Nannup.

5. Submission from the State Heritage Office

The State Heritage Office has provided useful comments which have resulted in changes to the advertised draft policy. This includes clarifying policy provisions relating to heritage agreements and modifications to development control principles relating to internal works.

6. *Submission from the Anglican Diocese*

The Anglican Diocese supports the policy but has some concerns with All Saints Anglican Church being included on the Heritage List. The key reason for the concern, based on experiences in other places, is that they don't wish to be dictated to as to what can or cannot be done to the church.

While noting the concerns of the Anglican Diocese, it is recommended that All Saints Anglican Church be included on the Heritage List for the following reasons:

- places included on the Heritage List are determined by their heritage significance. The MHI identified the All Saints Anglican Church has a "B" management category deserving of a high level of protection (see Attachment 12.2.4);
- the Anglican Diocese provided no justification that shows that the significance of the place has been altered based on the MHI assessment;
- the church is located in the Heritage Area, on a prominent site and makes an important contribution to the town centre's character and streetscape; and
- the advertised draft policy is recommended to be modified, including modifications to development control principles relating to internal works. The proposed changes, if granted final adoption by Council, will mean that no Planning Application is required for internal changes to a locally listed place unless the MHI identifies the place has a significant interior. As set out in Attachment 12.2.4, the MHI does not mention that All Saints Anglican Church has a significant interior.

7. *Submission from the Department of Aboriginal Affairs*

The Policy focuses on historic heritage. It is highlighted that Aboriginal heritage is protected by the *Aboriginal Heritage Act 1972*.

8. *Assisting heritage conservation*

As mentioned in previous reports to Council, the Shire does not financially assist private landowners or community groups with heritage conservation. The Policy supports waiving planning fees and providing the potential to vary LPS3 provisions. The Policy also raises the possibility of a rate rebate for heritage properties. This will be separately considered through Council's adopted budget and will usually be associated with a Local Heritage Contract. In the medium to longer term, the Council may consider other financial and non-financial heritage initiatives. One cost effective approach is seeking the support of the Nannup Historical Society or other groups regarding the granting of heritage awards for landowners who have or are committed to restoring places on the Heritage List.

9. *Review of Municipal Heritage Inventory*

The Shire administration, in consultation with the Nannup Historical Society, will continue with the review of the MHI (1996). It is expected that an updated draft MHI will be available for Councillor review later in 2015. In time, the updated draft MHI will be released for community and stakeholder comment.

STATUTORY ENVIRONMENT:

Heritage Act of Western Australia, Planning and Development Act, LPS3 and State Planning Policy 3.5 Historic Heritage Conservation. Section 2.4 of LPS3 provides the ability to prepare, amend or rescind a Local Planning Policy.

POLICY AND CONSULTATION IMPLICATIONS:

As outlined in this report. Local Planning Policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Planning Applications.

FINANCIAL IMPLICATIONS:

There were costs to the Shire in advertising the draft policy.

The intent of the policy is not to place an onerous financial implication on the owners and developers of heritage listed places. The policy seeks to find the balance between the adequate protection of heritage significance, whilst still allowing for appropriate development to occur on a property. It is intended to assist in providing certainty to property owners, the public and Council on how planning proposals affecting places with high heritage significance will be assessed.

The financial implications associated with the conservation of heritage places will depend on whether the site is on the Heritage List. There are various other factors including the nature of the place and its use, the ability of the site to be flexible for alternative use, the property market, the location of the site and refurbishment versus re-building costs.

It is suggested that the Shire will not be responsible for meeting direct costs to the majority of heritage places as they are typically privately owned or on land managed by the State Government. The Shire is however responsible for managing various heritage buildings and these need to be appropriately maintained.

It is suggested that Council consider its position regarding assisting heritage conservation in upcoming budgets.

STRATEGIC IMPLICATIONS:

The Shire has a long and interesting history that is partly embodied in its places of heritage significance. There is a community expectation that this heritage is protected for future generations. The level of protection needs to be balanced against the community's expectations for appropriate development in the district; therefore, the policy seeks to ensure that heritage is incorporated into a balanced planning decision-making process.

Implications will depend on various matters, including whether the place is publicly or privately owned or managed, whether it is built or natural, the condition of the site, structure or place and effective resources for appropriate management/maintenance.

The modified policy, if granted final adoption, will assist the decision-making of the local government, inform applicants/landowners of Council requirements and raise community and stakeholder awareness.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That Council:

1. Grant final adoption to the modified *Local Planning Policy 19 – Heritage Conservation* as set out in Attachment 12.2.1.
2. Will financially assist heritage conservation through waiving or refunding Planning Application fees where the application enhances or maintains the heritage aspects of the place in the opinion of the local government.
3. Advise submitters of the above and thank them for their input into the process.

9157 GILBERT/SLATER

That Council:

1. Grant final adoption to the modified *Local Planning Policy 19 – Heritage Conservation* as set out in Attachment 12.2.1.
2. Will financially assist heritage conservation through waiving or refunding Planning Application fees where the application enhances or maintains the heritage aspects of the place in the opinion of the local government.

3. Advise submitters of the above and thank them for their input into the process.

CARRIED 4/2

Voting for the motion: Crs Dean, Gilbert, Longmore and Steer.

Voting against the motion: Crs Slater and Mellema.

Cr Lorkiewicz returned to the meeting at 17:27 hours.

AGENDA NUMBER:	12.3
SUBJECT:	Planning Application for a single chalet
LOCATION/ADDRESS:	Lot 1 on D83038 and Strata Lot 2 on Strata Plan S23764 Graphite Road, Carlotta
NAME OF APPLICANT:	Heather Walford
FILE REFERENCE:	A902
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	Peter Clarke – 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:	16 March 2015
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.3.1 Original information from applicant 12.3.2 Location plan 12.3.3 Submissions 12.3.4 Updated information from applicant 12.3.5 Local Planning Policy – Chalet Development 12.3.6 Bush fire attack (BAL) assessment

SUMMARY:

A Planning Application for a single chalet on Strata Lot 2 Graphite Road, Carlotta is recommended for conditional approval.

BACKGROUND:

A) *The proposal*

The applicant has lodged a Planning Application for a single chalet. Details originally submitted by the applicant are provided in Attachment 12.3.1. In summary, the applicant proposes a new chalet with a floor area of approximately 100m² constructed with Hardiplank and Colourbond walls and a Zincalume roof.

B) *The site*

The site is shown in Attachment 12.3.2, which is on the corner of Graphite Road and Vasse Highway, with vehicular access via a sealed crossover onto Graphite Road. The site is 6.917 hectares in area and contains a dwelling, outbuilding, tearoom, camping ground and plantings including lavender.

C) *Planning framework*

The following summarises key planning documents relating to the site and the development:

- the site is zoned "Priority Agriculture 2" with an "Additional Use (A9)" in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. Additional Use A9 provides for additional dwellings (one dwelling per strata lot). The site forms part of an historic rural multiple occupancy where there were multiple dwellings previously on a single title. The site has since been strata titled;
- "Chalet Development" is an "A" use in the Priority Agriculture 2 Zone as set out in the LPS3 Zoning Table. The Council has the legal power under LPS3 to approve the Planning Application for a chalet after first seeking comment from neighbours and relevant stakeholders;
- the site is partly designated as a "bush fire prone area" in the endorsed *Bush Fire Hazard Strategy - Shire of Bridgetown-Greenbushes and Shire of Nannup* (the southern portion within 100 metres of the vegetated timber reserve);
- the site is located within Policy Area No. NR2 in the *Shire of Nannup Local Planning Strategy*. An objective for the area includes "Encourage tourism-based activities where not in conflict with the above" (including protecting agricultural areas of State/regional significance). Development guidelines include "Consider proposals for tourism development as a means of rural diversification subject to avoidance of conflict with existing agricultural land uses"; and
- the *Shire of Nannup Strategic Community Plan 2013 – 2023* identifies tourism as one of the strategic drivers; the plan seeks to attract more people to the district and the plan supports a diversified economic base.

D) *Consultation*

The Shire administration invited public comment on the Planning Application for 21 days by writing to 21 adjoining/nearby landowners and 7 other stakeholders. The Shire received 6 submissions on the Planning Application along with 3 internal comments which are set out in Attachment 12.3.3.

Most of the submissions support, raise no objection or suggest standard advice/conditions. The main issue raised through the submissions relating to bushfire risk and in particular the location of the proposed chalet near an extreme bush fire risk area.

In response to the submissions, the applicant has provided updated information (letter and plan) which is set out in Attachment 12.3.4.

COMMENT:

1. Overview

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

- it is overall consistent with the planning framework;
- the proposed chalet will complement the site's established tourist development;
- it supports diversifying the local economy and supporting tourism;
- the chalet is well setback from off-site agricultural operations;
- the site is readily accessible from Graphite Road, which is an important tourist route and the site has appropriate vehicular sight distances;
- no clearing of native vegetation is proposed;
- there are expected to be minimal environmental impacts;
- there is overall support from stakeholders;
- it is suggested that bushfire management can be appropriately addressed; and
- planning conditions can assist to control the use and management of the development.

While noting the above, the key issues with the application are outlined below.

2. Consistency with Local Planning Policy 12 – Chalet Development in Agriculture, Agriculture Priority 1 & 2, Cluster Farming, Coastal Landscape, and Special Residential Zones

The policy is set out in Attachment 12.3.5. The application is considered consistent with the policy with the exception of the requirement that "Council may permit a minimum of 2 Chalets and up to 5 Chalets to be constructed at an approved site."

While noting that only one chalet is currently proposed and not a minimum of two chalets, it is suggested this is appropriate given:

- Local Planning Policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Planning Applications;
- there is already tourist facilities and accommodation on the site including a tearoom, camping ground and lavender plantings; and
- LPS3 does not set a minimum or a maximum on the number of chalets on a property. LPS3 defines "chalet development" as follows:

“chalet development means premises designed for single occupancy and which comprise detached accommodation units, which may be fully self contained or not, and which are generally of single storey or split level construction and a character not dissimilar to farm dwellings or cabins. None of the accommodation units are to be occupied by the same tenant(s) for more than a total of three months in any twelve month period.”

3. *Bush fire risk and location of chalet*

The Department of Fire and Emergency Services (DFES) and the Department of Parks and Wildlife (DPaW) both raised issues relating to bush fire risk which in part relate to where the applicant proposes the chalet to be located. DPaW recommend that the chalet is located at least 100 metres from the vegetated timber reserve to the south.

While noting the comments of DFES and DPaW, it is suggested that the alternative chalet location is appropriate (see Attachment 12.3.4) and that bush fire management can be appropriately addressed given:

- originally the chalet was proposed to be 27 metres from the southern boundary and is now proposed to be 51 metres from the southern boundary;
- a BAL assessment (an extract is provided in Attachment 12.3.6) concludes that the chalet will have BAL rating of BAL 19;
- the Carlotta Fire Brigade raise no objections;
- clause 4.13.3.3 of LPS3 sets a minimum setback of 20 metres from boundaries within the Agricultural Priority 2 zone; and
- the reasons outlined by the applicant in Attachment 12.3.4.

DPaW's advice regarding a 100 metre setback is considered better practice to minimise bush fire risks and the potential for incompatibility between the DPaW estate and buildings. This is a standard DPaW request for development adjoining DPaW managed land to reduce the potential for land use conflict associated with management activities carried out by DPaW. Some Local Planning Schemes in the South-West Region contain a greater setback for development adjoining DPaW managed land; however this requirement is not in LPS3. This matter is likely to be reconsidered in the review of LPS3.

4. *Crossover standard*

There are appropriate vehicular sight distances from the existing sealed crossover on Graphite Road. Should any additional development be proposed resulting in increased traffic generation, it is suggested the applicant will need to widen and lengthen the crossover which is constructed to a sealed standard.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3.

POLICY AND CONSULTATION 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.

Adjoining/nearby landowners and relevant stakeholders were invited to make comment on this Planning Application.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS:

The proposal, if approved and implemented, will assist to support a more diversified economic base. A consistent approach is required for habitable and non-habitable buildings adjacent to DPaW managed land.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council approve the Planning Application for a chalet on Lot 1 on D83038 and Strata Lot 2 on Strata Plan S23764 Graphite Road, Carlotta subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the 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 original plans with the exception of the revised site plan received on 13 March 2015 (shown in Attachment 12.3.4) 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 person is permitted to stay in the chalet for a period of more than 3 months in any 12 month period.

4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
5. A smoke alarm must be installed on or near the ceiling:
 - a) in every bedroom; and
 - b) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.
6. A system of emergency lighting must be installed to assist evacuation of occupants in the event of fire and this lighting must:
 - a) be activated by a smoke alarm(s) (required by the previous Condition); and
 - b) consist of:
 - i) a light incorporated within the smoke alarm(s) itself; or
 - ii) lighting located within the corridor, hallway or area served by the required smoke alarm(s).

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 *National Construction Code (Building Code of Australia)* including for access for people with disabilities.
- C) The proponent is advised that the approved development must comply with all relevant provisions of the *Health Act 1911, Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, and the *Shire of Nannup Health Local Laws*.
- D) Signs may be erected or displayed to the specification and satisfaction of the Shire with details set out in *Local Planning Policy 18 Signs and Advertisements*.
- E) The site is designated as a "bushfire prone area". There is a need to maintain a low fuel area and firebreaks at all times.
- F) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be

especially low in volume between 8.00pm and 8.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.

- G) The site adjoins lands managed by the Department of Parks and Wildlife. The Department will undertake activities as required to manage the timber reserve.
- H) Should any additional development be proposed resulting in increased traffic generation, it is suggested the applicant will need to widen and lengthen the crossover which is constructed to a sealed standard.
- I) It is recommended that contact be made with Western Power to confirm arrangements relating to power supply.
- J) 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.

9158 LONGMORE/MELLEMA

That Council approve the Planning Application for a chalet on Lot 1 on D83038 and Strata Lot 2 on Strata Plan S23764 Graphite Road, Carlotta subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the 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 original plans with the exception of the revised site plan received on 13 March 2015 (shown in Attachment 12.3.4) 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 person is permitted to stay in the chalet for a period of more than 3 months in any 12 month period.
4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
5. A smoke alarm must be installed on or near the ceiling:
 - a) in every bedroom; and

- b) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.
6. A system of emergency lighting must be installed to assist evacuation of occupants in the event of fire and this lighting must:
- a) be activated by a smoke alarm(s) (required by the previous Condition); and
 - b) consist of:
 - i) a light incorporated within the smoke alarm(s) itself; or
 - ii) lighting located within the corridor, hallway or area served by the required smoke alarm(s).

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 *National Construction Code (Building Code of Australia)* including for access for people with disabilities.
- C) The proponent is advised that the approved development must comply with all relevant provisions of the *Health Act 1911, Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*, and the *Shire of Nannup Health Local Laws*.
- D) Signs may be erected or displayed to the specification and satisfaction of the Shire with details set out in *Local Planning Policy 18 Signs and Advertisements*.
- E) The site is designated as a "bushfire prone area". There is a need to maintain a low fuel area and firebreaks at all times.
- F) The applicant should ensure that guests (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially low in volume between 8.00pm and 8.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.
- G) The site adjoins lands managed by the Department of Parks and Wildlife. The Department will undertake activities as required to manage the timber reserve.

- H) Should any additional development be proposed resulting in increased traffic generation, it is suggested the applicant will need to widen and lengthen the crossover which is constructed to a sealed standard.
- I) It is recommended that contact be made with Western Power to confirm arrangements relating to power supply.
- J) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The *State Administrative Tribunal Rules 2004* require that any such applications for review be lodged with the Tribunal.

CARRIED 7/0

Mr Steve Thompson left the meeting at 17:33 hours.

AGENDA NUMBER:	12.4
SUBJECT:	Living Sculpture Project
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 6
AUTHOR:	Louise Stokes – Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Sub-committee member of Nannup Garden Village
DATE OF REPORT:	11 March 2015
ATTACHMENT:	To be tabled after Council presentation

BACKGROUND:

The 'Living Sculpture' project was first communicated to Council as part of the January 2015 Information report.

The Nannup Garden Village has received funding to undertake the Living Sculpture project, to replace the tourist information stand behind the Old Roads Board Building on Brockman Street to create a permanent public artwork. This is a community initiated project and is supported by the Shire of Nannup, community organisations and businesses. The Living Sculpture project will be officially launched during the 2015 Nannup Flower and Garden Festival.

The aim of the project is to:

Design and create in consultation and conjunction with the community a *Living Sculpture* that is:

- natural, organic and sympathetic to the environment,
- artistic and creative and reflects the artistic nature of our community,
- can have a participatory or tactile element to it,
- must comply with all Occupational, Health & Safety requirements and
- have minimal ongoing maintenance requirements.

COMMENT:

Funding in full has been received to design and create a public artwork in this location and community engagement has been undertaken in February. There has been liaison with Council's garden staff to ensure that the final product has minimal ongoing maintenance and complies with risk management issues.

Three concept designs were displayed at the fortnightly markets on Saturday 14th March to provide opportunity for residents to have further input into the design stage and to express their interest in a particular concept. A presentation to Council on the proposed design has been scheduled for the March meeting. It is proposed that once this design is endorsed by Council that the design will be assessed by a Structural Engineer and then construction workshops with community members will commence.

The final sculptural form will be officially opened during the 2015 Nannup Flower & Garden Festival and then the sculpture ownership will be transferred to Council.

STATUTORY ENVIRONMENT: Nil.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Construction of the project is grant funded plus some staff and officer time. There will be a cost to Council to dismantle the current sign board of approximately \$500.

Ongoing maintenance will incur a cost to Council annually. Until the project has been finalised this impost will be unknown.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Plan 2013 – 2023:

2. *Our Community: Value our Heritage and Festivals.*

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

That Council accept the design of the 'Living Sculpture' as presented by Lewis Horne at the March Council meeting.

9159 LONGMORE/SLATER

That Council accept the design of the 'Living Sculpture' as presented by Lewis Horne at the March Council meeting.

CARRIED 7/0

AGENDA NUMBER:	12.5
SUBJECT:	Lower Blackwood Land Conservation District Committee – Committee Membership
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Department of Agriculture and Food
FILE REFERENCE:	ADM16 - 2015/77
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	12 March 2015

BACKGROUND:

The Office of the Commissioner of Soil and Land Conservation with the Department of Agriculture and Food has written to Council advising that the term of appointment for the members of the Lower Blackwood Land Conservation District Committee (LCDC) expired on **31 March 2014**.

The Commissioner therefore requests the Shire of Nannup to submit its nominations as soon as possible to enable re-appointment to the LCDC. The Commissioner indicates that there is currently provision to appoint **two (2)** representatives from the Shire of Nannup and current records show that Mr John Dunnet and Mr Timothy Prosser were the previous representatives.

COMMENT:

The composition of the membership of the Lower Blackwood LCDC as Gazetted is as follows:-

- The Shire of Augusta-Margaret River has **1** Representative
- The Shire of Nannup has **2** Representatives
- The Pastoralists and Graziers Association has **1** Representative
- The WA Farmers Federation has **2** Representatives
- **12** persons actively engaged in, or affected by, or associated with land use in the district
- The Department of Parks and Wildlife has **1** Representative

Obviously the Commissioner is keen for an Elected Member to be nominated on the LCDC however if this does not transpire, then community members can be appointed as Council's representative in the case of Messrs Dunnet and Prosser.

The CEO contacted Mr Dunnet and Mr Prosser and both indicated that whilst it would be ideal if an Elected Member was on the LCDC, in the event that there is not the interest, they would be prepared to continue as the Shire of Nannup's representatives.

STATUTORY ENVIRONMENT:

The appointments are made under the *Soil and Land Conservation Act 1945*.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

The Shire of Nannup Community Strategic Plan 2013- 2023 *4.1 Our Sanctuary*

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That Council considers nominating an Elected Member/s to represent the Shire of Nannup on the Lower Blackwood Land Conservation District Committee. In the event that a Councillor/s nomination is not forthcoming, Council endorses the nominations of Mr John Dunnet and Mr Timothy Prosser as the Shire of Nannup's representatives and notifies the Commissioner of Soil and Land Conservation of the appointments.

9160 LORKIEWICZ/MELLEMA

That Council nominates Cr Longmore to represent the Shire of Nannup on the Lower Blackwood Land Conservation District Committee and that Council also endorses the nomination of either Mr John Dunnet or Mr Timothy Prosser as the Shire of Nannup's 2nd representative and notifies the Commissioner of Soil and Land Conservation of the appointments.

CARRIED 7/0

REASON FOR ALTERATION TO THE RECOMMENDATION:

As Cr Longmore indicated that he would be prepared to nominate as Council's representative on the LCDC, only one other Shire representative was required and it was agreed that the CEO liaise with Mr Dunnet and Mr Prosser to ascertain which person would be nominated based on previous discussions with both gentlemen.

AGENDA NUMBER:	12.6
SUBJECT:	Water Supply Improvements – Proposal to Construct a 1ML Storage Tank and Two 150mm Water Mains
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Water Corporation
FILE REFERENCE:	DEP23 – 2015/110
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	17 March 2015
ATTACHMENTS:	12.6.1: Site Plan and Technical Drawing

BACKGROUND:

The Water Corporation has advised that to improve the security of water supply to the town of Nannup, it proposes to construct a 1 million litre concrete water tank, and two DN150 water mains on Dunnet Road. A site plan and technical drawing are appended at Attachment 12.6.1.

The Water Corporation advises that the proposed works are scheduled to commence around August 2015 and will take approximately eight months to complete. Construction of the water mains will be by open trench excavation, which will be backfilled and restored to original condition.

The Water Corporation's Manager for this Project, Cecilia Harvey, advises that unfortunately the new tank is likely to alter the current visual amenity for some residents, however, the Water Corporation is investigating possible screening options around the site, including native plants.

COMMENT:

It has been mentioned that these upgrades/improvements to Nannup's water supply have been in the planning phase for a number of years and it is a positive step to see the project becoming a reality.

The Project Manager has advised that **objections to the proposed works will be considered if lodged in writing to the Project Manager by the close of business on Tuesday, 7 April 2015.**

The Project Manager has indicated that landowners who will be directly affected by line of site and other nearby property owners will be notified of the proposal seeking their comments and/or objections.

STATUTORY ENVIRONMENT:

Water Corporation's 21 day statutory obligations to notify of proposal to commence works.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

The Shire of Nannup Community Strategic Plan 2013- 2023 *4.1 Our Built Environment*

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

That Council advises the Water Corporation that it supports the proposed improvements to the Nannup townsite's water supply through the construction of a 1 million litre water tank on the eastern side of the existing water supply infrastructure on Dunnet Road on the proviso that:-

1. Adequate screening is provided around the site to minimise the visual impact of the structure; and
2. Any trench works for the 150mm water mains across Dunnet Road are reinstated to the satisfaction of the Manager Infrastructure.

9161 MELLEMA/LONGMORE

That Council advises the Water Corporation that it supports the proposed improvements to the Nannup townsite's water supply through the construction of a 1 million litre water tank on the eastern side of the existing water supply infrastructure on Dunnet Road on the proviso that:-

1. Adequate screening is provided around the site to minimise the visual impact of the structure; and
2. Any trench works for the 150mm water mains across Dunnet Road are reinstated to the satisfaction of the Manager Infrastructure.

CARRIED 7/0

AGENDA NUMBER:	12.7
SUBJECT:	Proposed 2015/16 Fees and Charges
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC10
AUTHOR:	Tracie Bishop – Corporate Finance Officer
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 March 2014
PREVIOUS MEETING	Budget Workshop 3 – 12 February 2015
REFERENCE:	
ATTACHMENT:	12.7.1 Proposed Schedule of Fees and Charges for 2015/16

SUMMARY:

Officers have reviewed Council's fees and charges for the services it will offer for the 2015/16 financial year. The results of this review were presented to Councillors within the 12 February 2015 informal Councillor Budget Workshops. The following item is aimed at providing clarification of any changes to existing fees and charges as well as any new fees and charges for the financial year beginning July 1 2015 and follows on from this workshop.

These fees and charges will be used to develop the 2015/16 budget due to be presented to Council on 28 May 2015.

BACKGROUND:

The initial review into Fees and Charges for 2015/16 was prepared with Officer recommendation that an increase of 5% be applied to most areas within the budget that do not have a statutory requirement. The exception to this rule is within waste.

COMMENT:

Attachment 12.7.1 lists all fees and charges for the upcoming 2015/16 financial year. These have been reviewed in the light of what the market will bear and statutory requirements; with a base uplift of 5% being applied. Fees have then been rounded to a manageable figure for practical application. In future year's fees and charges will continue to be maximised to reduce the burden on ratepayers.

Fees are shown inclusive of any GST so that Council can see the full fee charged for the service. The schedule has been annotated to indicate whether the fee includes GST. The GST element of the fee is not retained by the Council.

Some of the fees and charges are set through regulations (for example, some Planning and Health fees). The schedule has been annotated to indicate whether or not the fee is set by statutory regulations.

Other changes to the fee structure are described in the paragraphs below.

Administration:

The fees and charges within this area have remained consistent. Photocopying services remain only available to Community and Not-For-Profit groups for 2015/16. This is in keeping with Council's policy to not compete with the Nannup Community Resource Centre.

New for 2015/16 is the inclusion of the Nannup Heritage Trails booklets. These booklets will be used when completing the heritage trail interpreting historical and cultural point of interest within the town centre. The sale price of the book is set to cover costs of production only with no profit being made by the Shire.

Hire of Facilities:

The Officer recommendation is for an increase for hall hire for all venues at the rate of 5%. It is noted that the increase initially endorsed by Council for 2014/15 was reduced after comments received by the community. Notwithstanding it is again suggested that fees be increased within the hire of all Council run facilities. This is based on costs associated with using these facilities continuing to rise and in the interest of promoting a user contributes system for all facilities.

In order to not alienate our smaller community groups that utilise Council facilities it is suggested that a bulk discount be given for regular users. Fees would need to be paid up front and would be on a school term basis. Suggested discount would be 15% of current pricing being applied. It is hoped that the inclusion of this discount would help to make hire of facilities more affordable to regular users.

For 2015/16 the Officer recommendation is that facility hire for social events be on a separate scale to the hire of facilities for community sporting events. The reasoning behind this is that cleaning of the facility after these events is usually a lot more intensive and requires more labour hours than when hired for regular sporting events. Additionally, if Council were to change the structure within this area it will eliminate the need to charge after hour rates for facility hire over the weekend periods.

Included within the information report for January 2015 was a report addressing the reasoning for the costs associated with hall hire. This document can be supplied to Councillors for review if required.

Caravan Park:

With the caravan park now under private lease there are no charges shown within this area. Income for this property is now raised via the terms and conditions of this lease document.

Dog/Cat Registrations

Changes within this area relate to the introduction of lifetime registration options being available to dog owners. There are no known changes to statutory fees and charges for cat owners.

Waste Management:

Within this area there are fee increases of between 0 – 10%. The rationale behind the difference of fee increase is related to an incentive being offered to residents of Nannup who are attempting to reduce the impact on landfill by utilising the recycling service currently available to townsite residents only.

The incentive is based on not increasing the cost to ratepayers for their recycling service however in all other areas of waste management a 10% increase is being recommended. For the full listing of individual items please refer to attached Fees & Charges document.

In 2014/15 Council resolved that the costs associated with running the Waste Management and Recycling Facility previously funded by the sale of tip passes would be included as a charge on rate bills. The new fee was raised under the Waste Avoidance and Resource Recovery Act 2007 (WARR Act) and has funded part of the refuse disposal cost. In 2015/16 it is proposed that costs associated with refuse disposal costs continue to be funded using this method.

Depot Services:

Increases to this area remain consistent with the proposed 5% increase. As per previous discussions with Council the generator and lighting tower have been removed from this area. These fees were introduced part way through 2014/15; however safety concerns have been raised with the result that these items were withdrawn from hire.

The recommendation is to endorse the proposed fees and charges and they will be formally adopted when Council adopts the budget in total, currently scheduled for the Ordinary Meeting of Council on 25 June 2015.

STATUTORY ENVIRONMENT: Local Government Act 1995 Sections 6.16 and 6.17; Waste Avoidance and Resource Recovery Act 2007 Sections 66.1 and 66.3

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: Council's 2015/16 budget.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

Council endorse the proposed Fees and Charges for 2015/16 as listed in Attachment 12.7.1 for inclusion in the 2015/16 budget.

9162 MELLEMA/DEAN

Council endorse the proposed Fees and Charges for 2015/16 as listed in Attachment 12.7.1 for inclusion in the 2015/16 budget, subject to the following fees being amended.

1. Town Hall hourly rate – Active Sporting Event, hourly \$24.00
2. Recreation Centre hourly rate – Sporting Event \$24.00

CARRIED 7/0

REASON FOR ALTERATION TO THE RECOMMENDATION:

Fees and charges adopted 2014/15 for the Town Hall and Recreation Centre were amended partway through the year and therefore the proposed increase was shown on adopted 2014/15 rate, not amended 2014/15 rate.

AGENDA NUMBER:	12.8
SUBJECT:	Budget Monitoring – February 2015
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	13 March 2015
ATTACHMENTS:	12.8.1 Financial Statements for the period ending 28 February 2015
	12.8.2 Table Showing Detailed Variances for 2014/15

SUMMARY:

This report summarises the movements in the budget for 2014/15. At this point it is anticipated that there will be a saving at the end of the year of approximately \$29,400. This will be used to offset the deficit brought forward of \$35,899.

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 12.8.1.

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 surplus that is anticipated for the end of this financial year is expected to be \$29,442; this is shown in the table below.

	<i>(Surplus)/Deficit</i> \$
Gross (surplus)/deficit expected for the year	
Income – under received	\$64,618
Expenditure – underspent	(\$94,060)
Projected surplus at end of the year	(\$29,442)

Net income for the year is expected to be \$64,618 lower than budgeted. Additional properties being added to the rate base have resulted in higher rates and service charges, generating additional income of approximately \$6,500. Financial Assistance Grants are slightly lower than anticipated but this is offset by the direct roads grant from Main Roads being higher than budgeted.

Income from fees and charges will exceed budgets if current income trends continue. Similarly, assuming investment income matches that for 2013/14, income from this source will be \$6,000 lower than budgeted.

The grant for the SES is \$10,200 lower than expected as a bid for new equipment has not been successful; there will be a nil overall effect on the budget as the budgeted equipment will not now be purchased. Grant funding of \$19,900 has been received to develop a bridle trail and another \$24,035 for an economic profile of the Shire; this will have a nil effect overall as expenditure within the Community Development budget will increase.

Increased income of \$15,000 on Private Works will be offset by increased expenditure.

Insurance costs are expected to be lower than budgeted by approximately \$25,000; this has arisen because there will be fewer employees as the Mowen Road project comes to a close. The reduced number of employees has a consequent impact on the cost of Workers Compensation Insurance.

Recruitment costs of senior posts has resulted in recruitment expenditure being \$7,500 higher than shown in the budget. The budget does not include the cost of recruitment as this is generally funded from savings generated in the period that the post remains vacant.

The running costs for the Community Emergency Service Officer's vehicle are likely to be higher than budgeted. This is a result of the vehicle being replaced by a new leased vehicle with a higher mileage allowance to reflect the greater distances being travelled. These costs will be offset by up to 80% under the grant arrangements with the Department of Emergency Services.

Savings will also be achieved from the Manager Infrastructure being on unpaid leave for part of the year. Although this was covered by a temporary appointment the majority of this cost was borne by the Mowen Road project.

There has been significant use of the Busselton Rangers Service in 2014/15 to deal with various dog issues. This is currently showing an expected overspend of \$2,700 but could continue to rise as proceedings are continuing. However, some of this cost will be offset by fines, although these will be received over an extended period with the agreement of the Court.

Works will be required to improve the property at 29 Carey Street now that it has been vacated by the outgoing CEO. The cost of these works will be funded from the Asset Management Reserve.

The report adopting the 2014/15 budget noted that the income and expenditure profile assumed for the caravan park posed a significant risk of variation because of the proposal to lease the park part way through the year. Income for the year is down on the full year budget by approximately \$106,000 but only \$24,000 lower than the anticipated profile. After adjusting for the stock of goods for resale the expenditure on the park is expected to be \$78,250 lower than the full year budget but close to the assumed profile of \$111,839 and will not show a significant variation. This projection assumes that the net position will be approximately \$24,000 worse than expected.

Staff training costs have also been higher than budgeted for. With the recruitment of three new outdoor employees has come the need for additional training to ensure that they are capable and trained for their new positions, this has resulted in an overspend within this area. Additionally from an OH&S perspective there are areas where required skills needed to be updated in order to comply with legislative requirements. At this point in time, it is anticipated that the overspend in this area will be \$2,500.

Capital expenditure items are all within allocated budgets. There have been savings in the purchase costs of the loader and tractor, with trade in values being close to expectations. A Ute originally budgeted for 2014/15 was purchased in 2013/14 and funded by the trade in of other vehicles no longer required; this will save \$40,000 in 2014/15. There will therefore be a saving of \$90,000 at the end of the year that will be offset by a reduced contribution from the Plant and Equipment Reserve. Costs have been incurred in replacing the central server and upgrading five PCs; this cost will be offset by a contribution from the Office Equipment Fund. Grant income for the Mowen Road project will be \$160,000 higher than budgeted and will be fully spent, resulting in no variation against overall expenditure.

Attachment 12.8.2 provides a detailed breakdown of income and expenditure incurred to 28 February 2015 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 Attachments 12.8.1 and 12.8.2 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:

An anticipated saving at the end of the year of \$29,442.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority

RECOMMENDATION:

It is recommended that the Monthly Financial Statements for the period ending 28 February 2015 be received.

9163 GILBERT/DEAN

It is recommended that the Monthly Financial Statements for the period ending 28 February 2015 be received

CARRIED 7/0

AGENDA NUMBER:	12.9
SUBJECT:	Review of the Internal Control Manual
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 7
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	11 March 2015
ATTACHMENT:	12.9.1: Internal Control Manual.

SUMMARY:

The Internal Control Manual must be reviewed annually. This report reviews the current Internal Control Manual and recommends some minor amendments to bring it up-to-date.

BACKGROUND:

Policy ADM2 is the Council's Internal Control Manual. The Policy satisfies the requirements of Regulation 5(2)(a) of the Local Government (Financial Management) Regulations 1996, which states that the CEO is to:

"ensure that the resources of the local government are effectively and efficiently managed".

COMMENT:

The proposed amendment to the policy is shown at Attachment 12.9.1. Wording which is recommended for deletion is shown as crossed through and new wording as underlined.

Changes are as follows:

1. The Caravan Park Manager has been removed from the list of authorised officers following the lease of the park to new leaseholders.
2. A minor amendment seeks to provide increased clarity in the wording of paragraph 1.2.3.

3. Section 1.2.4 has been amended to clarify that the officers listed must use the facility in accordance with the guidelines and credit card terms issued to them.
4. Section 1.2.5 has been amended to reflect the current title of the document.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996.

POLICY AND CONSULTATION IMPLICATIONS:

Where there is cross reference to a delegation from a Council Policy the delegation is noted as such.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council approve the suggested revisions to Policy ADM2 as outlined in Attachment 12.9.1.

9164 LORKIEWICZ/STEER

That Council approve the suggested revisions to Policy ADM2 as outlined in Attachment 12.9.1.

CARRIED 7/0

AGENDA NUMBER:	12.10
SUBJECT:	Review of Delegations
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 22
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	11 March 2015
ATTACHMENTS:	12.10.1: Register of Delegations 2014/15 – Separate Cover. 12.10.2: Sections 23, 25 and 48 of the Bush Fires Act 1954.

SUMMARY:

The Local Government Act 1995 Section 5.46(2) states that a local government is to review its delegations to officers at least once every financial year. This review has been carried out and several amendments to the delegations are put forward for consideration by Council.

BACKGROUND:

The Local Government Act 1995 enables Council to delegate many of its functions and powers under the Act to officers and committees for the purpose of facilitating the smooth running of Council's operations.

Where a delegation is delegated further from the Chief Executive Officer to a subordinate officer this is noted in the delegation. The most recent review was in May 2014.

COMMENT:

The proposed Register of Delegations 2014/15 is circulated under separate cover for ease of reference. Wording which is recommended for deletion is shown as crossed through and new wording as underlined.

Various amendments are recommended in this review:

1. Delegations by the CEO: In the existing Scheme of Delegation officers listed with delegated authority in addition to the CEO are shown below the CEO in the delegation list. However, this gives the impression that these officers are being given delegations by Council, when Council has no powers under the Local Government Act to delegate to any officer other than the CEO. Section 5.44 of the Act gives the CEO the power to delegate any of his powers conferred by Council to another employee and that these delegations must be made in writing. To improve clarity the delegations affected have been amended to show that other officers are receiving their delegated authority from the CEO rather than Council. A number of delegations are affected but no changes to these officers have been made except as set out separately below.
2. Delegation 4 - Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods: The current delegation to the CEO provides the power to accept tenders up to \$1000 for the sale of impounded goods. As the sale of these goods is by public tender it would improve administrative efficiency to increase this limit; a new limit of \$10,000 is recommended.
3. Delegations 28, 29, 30 & 31- Building Act: Delegations for these sections have been added to allow the function to be carried out by the Building Surveyor.
4. Delegation 39 – Public Liability Claims: This delegation has been amended to allow public liability claims to be handled by the Manager Corporate Services, who is responsible for insurance matters.
5. Delegation 46 - Permission to Burn During Prohibited Burning Period: No delegation is currently provided under Section 23 of the Bush Fires Act 1954. This section sets out the circumstances in which a landowner can burn the bush on his/her land during prohibited burning times. One of the conditions applied in this section is that the landowner must obtain a permit from the Bushfire Control Officer or, in their absence, the CEO of the local government. A delegation to the CEO has been added to Delegation 46 to allow the CEO to issue a permit in these circumstances.

The existing delegation under Section 25 of the Act refers to the Bush Fire Control Officer liaising with DFES concerning proposals under Section 25(1)(c). This section does not require a delegation from Council and has been deleted.

Section 25(1a) of the Act allows the local government to issue a notice banning the lighting of camping or cooking fires in the open air during the prohibited burning period. A delegation is recommended to allow this notice to be issued by the CEO.

The Bush Fires Act 1954 expressly states in Section 48(3) that the CEO cannot delegate powers conferred under delegations from Council to any other officer. References to the Manager Infrastructure and the Community Emergency Services Officer have therefore been deleted.

Sections 23, 25 and 48 are appended for information at Attachment 12.10.2

6. Delegation 47 – Burning Prohibited and Restricted Times (Variations): Minor amendments to the wording to clarify the relevant clauses of the Bush Fires Act 1954.
7. Delegation 50 - Offences - Bush Fires Act: Reference to the Manager Infrastructure has been deleted as referred to in 5 above.
8. Delegation 51 – Proceedings Under the Dog Act: The current delegation limits the CEO to taking enforcement action in respect to offences committed under the Act. Recent experience in managing complaints and taking other actions under the Dog Act 1976 has demonstrated that this is inadequate and prevents the effective administration of all the provisions contained within the Act. All of the powers provided to the local government under the Act can be delegated to the CEO under Section 10AA of the Act. This delegation has therefore been amended to provide the CEO with all the powers conferred on the local government by the Dog Act 1976. An on delegation to the Manager Corporate Services has been added. The revised wording covers the use of external agencies to act on behalf of the CEO and the specific reference to the City of Busselton Rangers has been deleted.
9. Delegation 68 – Alternative Fire Breaks: References to the Manager Infrastructure and Community Emergency Services Officer have been deleted as referred to in 5 above. The Council cannot delegate to persons not in their employ and the reference to the Chief Bush Fire Control Officer has been deleted.
10. Delegation 77 - Health Act Parts V to IX: The delegation to the Manager Infrastructure has been removed as he is no longer responsible for the management of this service.
11. Delegation 81 – Powers under the Cat Act: There are currently no delegated powers to take action under the Cat Act 2011. Section 44 of the Act allows the local government to delegate its powers to the CEO and a new delegation has been drafted to enable this. An on delegation to the Manager Corporate Services is included to allow that officer to carry out the administration of the Cat Act on behalf of the CEO.
12. Delegation 82 – Public Interest Disclosure Act 2003: There are currently no delegations under the Public Interest Disclosure Act 2003.

Whilst there are no specific powers granted to local governments under the Act, Section 23 set outs the duties of the Principal Executive Officer. A delegation has been drafted to clarify that for the Shire of Nannup this officer is the CEO. The officer currently responsible for receiving disclosures is the Manager Corporate Services and an on delegation is included to clearly specify this.

There are several minor amendments to delegations to correct grammatical errors or improve clarity that do not affect the operation of the delegations or powers conferred on officers.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 5.42.
Bush Fires Act 1954 Section 48.
Dog Act 1976 Section 10AA.
Food Act 2008 Part 5.
Building Act 2011.
Planning and Development Act 2005.
Cat Act 2011 Section 44.

POLICY IMPLICATIONS:

Where there is cross reference to a delegation from a Council Policy the delegation is noted as such.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

VOTING REQUIREMENTS: Absolute Majority.

RECOMMENDATION:

That, pursuant to Section 5.42 of the Local Government Act 1995, Council approve the amendments to delegations as set out in Attachment 12.10.1.

9165 LORKIEWICZ/LONGMORE

That, pursuant to Section 5.42 of the Local Government Act 1995, Council approve the amendments to delegations as set out in Attachment 12.10.1.

CARRIED BY ABSOLUTE MAJORITY 7/0

AGENDA NUMBER:	12.11
SUBJECT:	Review of Financial Policies
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 7
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	11 March 2015
ATTACHMENT:	12.11.1: Financial Policies.

SUMMARY:

All policies are reviewed on a regular basis. This report reviews the current financial policies and recommends some amendments to bring them up-to-date.

BACKGROUND:

The Policy Manual contains seven policies relating to financial management. These policies have been reviewed and suggested revisions are shown at Attachment 12.11.1. The policies were last reviewed on 22 August 2013.

COMMENT:

The proposed amendments are shown at Attachment 12.11.1. Wording which is recommended for deletion is shown as crossed through and new wording as underlined.

Various amendments are suggested as follows:

FNC1 – Capitalisation of Fixed Assets: There is no previously defined threshold and the text has been amended to reflect this.

FNC2 – The introduction of the mandatory requirement to report assets at their fair value in the Statement of Accounts requires assets to be revalued at least every three years. The wording has been modified to reflect this.

FNC3 – Minor grammatical change.

FNC4 – Tourism Based Rural Properties – Rating Basis: No changes.

FNC5 – Rate Rebates for Pensioners: No changes.

FNC6 – Acceptance of Grant Funding: The policy has been amended to allow the acceptance of all grants, irrespective of the amount. This is required because of revisions to the grant allocation process by Lotterywest. Their new process seeks endorsement to the grant conditions prior to the approval, so that once a grant has been awarded it can be paid. This process does not allow scope to consider whether to accept the grant once approved by the funding body. The current system allows officers to only report on successful applications to Council for acceptance; amending the requirement to seek endorsement to all grants applied for would increase workloads and may be impractical where there are tight deadlines for grant submissions. The amendment to the policy allows the CEO to accept the grant but prevents the money from being committed to projects until such time as it has been endorsed by Council. This amendment to the policy allows the administration of the process to be efficient while retaining effective oversight by Council.

FNC7 – Treasury Management Policy: No changes.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS:

The revised policies will improve financial administration.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

That Council approve the suggested revisions to the Financial Policies as set out in Attachment 12.11.1.

9166 STEER/GILBERT

That Council approve the suggested revisions to the Financial Policies as set out in Attachment 12.11.1.

CARRIED 7/0

AGENDA NUMBER:	12.12
SUBJECT:	Monthly Accounts for Payment - February 2015
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Vic Smith – Manager Corporate Services
REPORTING OFFICER:	Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	4 March 2015
ATTACHMENT:	12.12.1: Schedule of Accounts for Payment – February 2015

SUMMARY:

The schedule of accounts paid in February 2015 is submitted to Council for endorsement.

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund to 28 February 2015 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. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. There are no credit card transactions to report for January 2015.

Municipal Account

Accounts paid by EFT	6872 - 6971	\$728,403.62
Accounts paid by cheque	19720 –19736	\$589,280.66
Accounts paid by Direct Debit		\$0.00

Sub Total Municipal Account		<hr/> \$1,317,684.28
-----------------------------	--	----------------------

Trust Account	
Accounts paid by EFT	\$0.00
Accounts Paid by cheque	\$0.00
Sub Total Trust Account	<hr/> \$0.00
Total Payments	<hr/> \$1,317,684.28 <hr/>

STATUTORY ENVIRONMENT: LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS: As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

VOTING REQUIREMENTS: Simple majority

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$1,317,684.28 in the attached schedule be endorsed.

9167 GILBERT/STEER

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$1,317,684.28 in the attached schedule be endorsed.

CARRIED 7/0

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

13.1 OFFICERS

Nil

13.2 ELECTED MEMBERS

Nil

**14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)**

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

Nil

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

Nil

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

Nil

17. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 18:15 hours