



Agenda

Ordinary Council Meeting Thursday 23 May 2024

4.30 pm in Council Chambers, Nannup

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A G E N D A

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT OF COUNTRY:

The Shire President is to declare the meeting open and welcome the public gallery.

The Shire President to acknowledge the traditional custodians of the land, the Wardandi and Bibbulmun people, paying respects to Elders past, present, and emerging.

2. ATTENDANCE/APOLOGIES:

2.1 ATTENDANCE

2.2 APOLOGIES

3. PUBLIC QUESTION TIME:

4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:

4.1 APPROVED LEAVE OF ABSENCE:

4.2 APPLICATION FOR A LEAVE OF ABSENCE:

5. CONFIRMATION OF MINUTES:

5.1 Shire of Nannup Ordinary Council Meeting – 18 April 2024

EXECUTIVE RECOMMENDATION:

That the Minutes from the Ordinary Meeting of Council held 18 April 2024 be confirmed as a true and correct record (attachment 5.1).

5.2 Shire of Nannup Special Council Meeting – 29 April 2024

EXECUTIVE RECOMMENDATION:

That the Minutes from the Special Meeting of Council held 29 April 2024 be confirmed as a true and correct record (attachment 5.2).

5.3 Shire of Nannup Sustainability Advisory Committee – 17 April 2024

EXECUTIVE RECOMMENDATION:

That the Minutes from the Sustainability Advisory Committee held on 17 April 2024 be received (attachment 5.3).

5.4 Shire of Nannup Bush Fire Advisory Committee – 6 May 2024

EXECUTIVE RECOMMENDATION:

That the Minutes from the Bush Fire Advisory Committee held on 6 May 2024 be received (attachment 5.4).

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

Nil.

7. DISCLOSURE OF INTEREST:

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Nannup and its community.

The Shire of Nannup Disclosure of Interest Register is on our website [here](#).

8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:

Nil.

9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

Nil.

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 - Development Application for a nature-based caravan park, rural produce store and holiday house
LOCATION/ADDRESS:	Lots 13 and 639 (No. 25) Woodarburrup Road, Scott River East
NAME OF APPLICANT:	Dunmore Farming Pty Ltd
FILE REFERENCE:	A723
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>)
DATE OF REPORT:	6 May 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	<ul style="list-style-type: none"> 11.1.1 - Location map 11.1.2 - Plans and information from applicant 11.1.3 - Bushfire Management Plan 11.1.4 - Submissions 11.1.5 - Applicant response to submissions 11.1.6 - Bushfire consultant response 11.1.7 - Planning framework: extract of key documents 11.1.8 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 11.1.9 - Approved site plan

BACKGROUND:

The applicant has lodged a Development Application for a nature-based caravan park, rural produce store and holiday house at Lots 13 and 639 (No. 25) Woodarburrup Road, Scott River East.

The application site is shown in Attachment 11.1.1. The site is located approximately 48 kilometres south-west of the Nannup townsite and the application site has a combined area of 147.9681 hectares. The applicant also owns various nearby lots.

The application site is a mix of cleared land and native vegetation. The site contains a dwelling and various sheds. The site is bordered by Crown Land to the north and east, and is near private property to the south and west. The cleared portions of the site are predominantly used as a beef cattle operation and a feedlot.

Milyeannup Coast Road adjoining the application site is sealed. The western section of Woodarburrup Road, adjoining the application site, is sealed while other sections are unsealed.

Attachment 11.1.2 provides details submitted by the applicant. In summary, the proposal is for a nature-based caravan park for 8 sites (catering for visitors that are largely self-contained), a rural store (selling local produce) and a holiday house (change of use from a granny flat).

The applicant highlights that the 5 seasonal camp sites, north of the Scott River which are accessed from Milyeannup Coast Road (northern part of the site), do not form part of this current Development Application.

A Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) have been prepared by Bushfire Prone Planning. The BMP is provided in Attachment 11.1.3. The BMP includes assessment of the 5 seasonal camp sites.

Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 42 days by writing to adjoining/nearby landowners, the Department of Fire and Emergency Services (DFES), Department of Biodiversity, Conservation and Attractions (DBCA), Department of Water and Environmental Regulation (DWER), Department of Primary Industries and Regional Development (DPIRD), and other stakeholders, placing details on the Shire website and having details available at the Shire office.

The Shire received 4 submissions on the Development Application as outlined in Attachment 11.1.4. In summary:

- One submission supports the proposal;
- DWER and DPIRD raise no objection but provided comments and advice. This related to dump points, water supply, clearing controls, pets and biosecurity; and
- DFES does not support the application due to non-compliance with the requirements of *State Planning Policy 3.7 Planning in Bushfire Prone Areas*.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant in turn has provided their response to submissions (see Attachment 11.1.5).

In response to the DFES submission, Bushfire Prone Planning's advice is set out in Attachment 11.1.5.

Planning framework

The property is zoned 'Priority Agriculture' in the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

A 'nature based park' and 'holiday house' are an 'A' use in the Priority Agriculture Zone as set out in the LPS4 Zoning Table. This means the Council has the legal power under LPS4 to approve these uses after first giving special notice in accordance with Clause 64 of the Deemed Provisions. A 'rural produce store' is a 'D' (discretionary) use in the Priority Agriculture Zone. This means the Council has the legal power under LPS4 to approve this use.

The application and the site are subject to a range of planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 2.5 Rural Planning*, *State Planning Policy 3.7 Planning in Bushfire Prone Areas*, *Guidelines for Planning in Bushfire Prone Areas* and the *Shire of Nannup Local Planning Strategy*. In summary, the documents require retaining agriculture as the predominant use, effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

The proposed nature based caravan park, rural produce store and holiday house are located within a bush fire prone area of Western Australia as designated by the Fire and Emergency Services Commissioner.

The *Guidelines for Planning in Bushfire Prone Areas* outline that the proposed short-stay use is a 'vulnerable land use'. Vulnerable uses are developments that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

The *Shire of Nannup Local Planning Strategy* states in Section 5.4 Tourism that its aims are to:

- a) Encourage the development of a wide range of tourist and recreation facilities, tourist accommodation and activities for visitors in appropriate locations within and near the Nannup townsite and in the rural areas of the Shire that appropriately address bushfire planning, environmental assets, landscape qualities and compatibility with adjoining land uses; and
- b) Encourage the establishment of businesses, which attract and promote the Nannup townsite and the Shire as a tourist destination.

Other key planning documents related to the proposal include *Local Planning Policy LPP12 Tourist Accommodation in Rural Areas*, and *Local Planning Policy LPP13 Car Parking and Vehicular Access*.

The *Shire of Nannup Strategic Community Plan 2021 – 2036* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

Attachment 11.1.7 sets out an extract of the planning framework.

Attachment 11.1.8 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

A) Overview

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS4, strategies and policies.

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

- It is overall consistent with the planning framework;
- It supports diversifying and growing the local economy, supporting job creation and supports tourism;
- The nature-based caravan park is well separated from on-site and off-site agricultural operations;
- The nature-based caravan park is well separated from off-site sensitive land uses (such as residences);
- Minimal clearing of native vegetation is proposed;
- There are expected to be manageable environmental impacts given the development footprint is cleared and wastewater disposal systems are required to comply with Shire and Department of Health requirements;
- The response from Bushfire Prone Planning in Attachment 11.1.6;
- There are no objections from other Shire officers/units; and
- Development conditions can assist to control the use and management of the development.

B) *Key issues*

While noting the above, there are various issues associated with the proposed development, which should be considered by the Council in determining the Development Application. Some of these issues are outlined below including:

- Bushfire risks and emergency management;
- Clearing of native vegetation;
- Traffic impacts;
- Servicing; and
- Effective on-going management.

Bushfire risks and emergency management

This is considered to be the major issue with the proposal. Short stay accommodation (nature-based caravan park and holiday house) are a vulnerable land use. There are significant risks to visitors and guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area. While noting this, based on Bushfire Prone Planning's advice and subject to implementation and on-going review of the BMP and BEP, it appears that associated risks can be managed.

Bushfire Prone Planning, through their BMP and BEP, consider the application addresses State Planning requirements (refer to Attachments 11.1.3 and 11.1.6). This includes development has access in two different directions.

The development will be required to temporarily close in severe bushfire risk conditions or in the event of a bushfire emergency in the area.

Clearing of native vegetation

Based on the site plan and the applicant's advice, there will be minimal clearing of native vegetation to address bushfire risks to an acceptable level.

Parts of the application site are classified as an 'environmentally sensitive area' in the Clearing Regulations.

Traffic

The proposed development will increase traffic volumes. While noting this, the expected level of traffic can be accommodated on local roads. Accordingly, the Shire administration considers that no developer contribution is required for this Development Application. Should the applicant propose additional development, this may trigger the need for upgrading local roads by the applicant. Council's *Local Planning Policy 20 Developer and Subdivider Contributions* sets the local planning guidance.

Servicing

Given the site's location, the development will be serviced with on-site sewage disposal and on-site provision of potable water.

Any proposed on-site sewage disposal system and dump point needs to be suitably located and designed to address human health and environmental considerations.

The applicant will need to ensure a potable water supply is available at all times in accordance with Australian drinking water standards.

Required servicing can be addressed through development conditions.

Effective on-going management

Effective on-going management is a critical issue. It is suggested the planning consideration relates to effective management including being a 'good neighbour'. This is a critical issue that can only be addressed following the site being used for the intended purpose.

The responsibility for appropriate on-going management rests with the landowner/manager to ensure that visitors are responsible and do not create inappropriate impacts, including noise and trespass, to adjoining/nearby properties. Various development conditions are recommended to minimise land use impacts and encourage appropriate neighbourly relations. This includes the requirement to prepare and gain approval for an appropriate Management Plan.

The Management Plan will address matters including:

- Addressing the responsibility for guest/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
- Outlining the approach to maximise the safety and security of guests and visitors;
- Seeking the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks;
- Considering and addressing impacts from guests/visitors including amplified music and other noise;
- Addressing trespass and litter;
- Restricting and/or managing pets;
- Addressing biosecurity;
- Not lighting any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
- Acknowledging that the property is situated in a rural area where agricultural land uses and land management should be expected and tolerated;
- Recognising existing farming operations have a 'right to farm' without interruption; and
- Addressing waste management including recycling and rubbish.

C) Conclusion

Based on the above and the information provided by the applicant, it is recommended that Council approve the Development Application subject to conditions. The Council could alternatively choose to defer making a decision on the matter and seek additional information or it may determine to refuse the Development Application.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015, LPS4 and Caravan Parks and Camping Grounds Act 1995.

Subject to the Council's decision, the applicant separately needs to obtain a Building Permit, On-site Wastewater Approval, gain a licence under the *Caravan Parks and Camping Grounds Act 1995* and meet additional requirements.

POLICY IMPLICATIONS:

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

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *SPP 3.7 Planning in Bushfire Prone Areas*.

FINANCIAL IMPLICATIONS:

The applicant has paid the Development Application fee. The applicant has a right of review to the State Administrative Tribunal to review the Council's decision. If this occurred, the Shire would have associated costs.

STRATEGIC IMPLICATIONS:

The proposed nature-based caravan park, rural produce store and holiday house are overall consistent with the planning framework and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw additional visitors to the Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2021-2036*.

VOTING REQUIREMENTS: Simple Majority

OFFICER RECOMMENDATION:

That Council approve the Development Application for a nature-based caravan park, comprising 8 sites, rural produce store and holiday house at Lots 13 and 639 (No. 25) Woodarburrup Road, Scott River East, subject to the following conditions:

1. The development hereby approved is to be carried out in accordance with the plans and documentation set out in Attachment 11.1.9 (including mark-ups in red), addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.

2. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two (2) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.
3. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to commencement of the development.
4. Any waste water disposal system and dump point are located, designed and approved by the local government and/or the Department of Health and installed prior to commencement of the development. Following this, the dump point is effectively managed to the satisfaction of the local government.
5. A Bushfire Management Plan is to be approved by the local government and then implemented prior to commencement of the development including the water tanks. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
6. A Bushfire Emergency Plan is to be approved by the local government and then implemented prior to commencement of the development. Following this, measures in the approved Bushfire Emergency Evacuation Plan are to be maintained to the satisfaction of the local government.
7. The landowner meets the costs of adding a notification (section 70A or a memorial) to all Certificate of Titles associated with the approval setting out that the property is within a bushfire prone area to satisfaction of the local government, prior to commencement of the development.
8. The applicant is to submit and gain local government approval for a Management Plan, prior to commencement of the development, which addresses the responsibility for the behaviour of guests/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.
9. The crossover to Woodarburrup Road is designed, constructed and drained to the satisfaction of the local government prior to commencement of the development.
10. The car parking spaces, access ways and vehicle manoeuvring areas are to be designed, constructed and drained prior to occupation. The applicant shall appropriately maintain these areas on an on-going basis to the satisfaction of the local government.
11. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period. In this regard, the owner/caretaker is to maintain a register of guests and the duration of their

occupation to the satisfaction of the local government. The register shall be made available for perusal by Shire officers on demand.

12. The applicant shall not erect any advertising or signage at the site without the prior approval of the local government.

Advice

- A) The applicant is advised that this Development Approval is not a Building Permit. A Building Permit may be required to be obtained before the commencement of any site and/or building works.
- B) In relation to Condition 3, the local government may require water samples to be taken and independently analysed. Should the local government be required to arrange the testing, it will be at the cost of the landowner/operator.
- C) In relation to Conditions 5 and 6, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk.
- D) In relation to Condition 8, the Management Plan will address matters including:
- Addressing the responsibility for guest/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;
 - Outlining the approach to maximise the safety and security of guests and visitors;
 - Seeking the operation to be a good neighbour and be considerate including noise, litter and the approach to reducing fire risks;
 - Considering and addressing impacts from guests/visitors including amplified music and other noise;
 - Addressing trespass and litter;
 - Restricting and/or managing pets;
 - Addressing biosecurity;
 - Not lighting any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
 - Acknowledging that the property is situated in a rural area where agricultural land uses and land management should be expected and tolerated;
 - Recognising existing farming operations have a 'right to farm' without interruption; and
 - Addressing waste management including recycling and rubbish.
- E) In relation to Condition 12, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- F) The applicant should ensure that guests/visitors (and as relevant their pets) are considerate of neighbours at all times. In particular, activities should be especially

low in volume between 7.00pm and 7.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.

- G) The applicant is advised that the approved development must comply with the *Caravan Park and Camping Ground Regulations 1995*, including the requirement to obtain an annual licence for the camping ground, and the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.
- H) The applicant is advised that the approved development must comply with other statutory requirements including the *Public Health Act 2016*, *Health (Miscellaneous Provisions) Act 1911* and the *Shire of Nannup Health Local Laws*.
- I) The Department of Biodiversity, Conservation and Attractions recommend that any trees with a diameter at Breast Height (DBH) of 500mm or greater should be protected.
- J) There may be a separate requirement to gain a clearing permit from the Department of Water and Environmental Regulation. It is also noted that parts of the application site are classified as an 'environmentally sensitive area' in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- K) The applicant is to retain appropriate Public Liability Insurance to cover the entire area the subject of this approval to the satisfaction of the local government.
- L) Further development and/or intensification of development on the property, which creates increased traffic, may result in a need for a proportional developer contribution for road upgrading as part of a future Development Application.
- M) 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 applicant 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.

AGENDA NUMBER & SUBJECT:	11.2 – Delegated Planning Decisions for April 2024
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 May 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 – Register of Delegated Development Approvals

BACKGROUND:

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.4 (LPS4) and adopted Council policy.

Delegated planning decisions are reported to Council monthly to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in April 2024 is presented in Attachment 11.2.1.

COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS4 and Council’s adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During April 2024, two (2) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for April 2024 compared to April 2023:

	April 2023	April 2024
Delegated Decisions	3 (\$38,500)	2 (\$13,000)
Council Decisions	0	1 (\$10,000)
Total	3 (\$38,500)	3 (\$23,000)

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

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Local Government Act 1995 and LPS4.

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

POLICY IMPLICATIONS:

Applications for Development Approval must be assessed against the requirements of LPS4 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

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

FINANCIAL IMPLICATIONS:

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

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple majority.

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for April 2024 as per Attachment 11.2.1.

AGENDA NUMBER & SUBJECT:	11.3 – Financial Activity Statement – April 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 May 2024
ATTACHMENTS:	11.3.1 – Financial Activity Statement – April 2024

BACKGROUND:

The financial statements are presented to Council in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, stipulate that a Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds.

Section 6.4 of the *Local Government Act 1995* requires that financial reports be prepared and presented in the manner and form prescribed in the *Local Government (Financial Management) Regulations*.

The requirement is for a Statement of Financial Activity with a report detailing material variances. The Financial Report presented includes this as well as other statements and supplementary information.

COMMENT:

The Financial Statements for the period ending 30 April 2024 present the financial performance of the Shire for the 2023/24 financial year and compare year-to-date expenditure and revenue against the corresponding year-to-date budget.

Attached for consideration is the completed Monthly Financial Report as per Attachment 11.3.1.

The document attached includes Statement of Financial Activity by Nature or Type, Notes to the financial statements and an explanation of material variances.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Section 6.4.

Local Government (Financial Management) Regulations 1996, Regulation 34.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statements for the period ending 30 April 2024 as per Attachment 11.3.1.

AGENDA NUMBER & SUBJECT:	11.4 – Payment of Accounts – April 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	14 May 2024
ATTACHMENT:	11.4.1 – Payment of Accounts – April 2024

BACKGROUND:

To advise Council of payments made for the period 1 April to 30 April 2024.

COMMENT:

Payments of \$581,814.73 as detailed in the payment of accounts listing for the period 1 April to 30 April 2024 as per Attachment 11.4.1 have been approved under delegated authority.

Municipal Account

Accounts paid by EFT	16979 - 17071	\$446,619.93
Accounts paid by cheque	20626 – 20627	\$11,702.75
Accounts paid by Direct Debit	13108.1 – 13205.19	\$123,492.05
<i>Sub Total Municipal Account</i>		<u>\$581,814.73</u>

Trust Account

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
Total Payments		<u><u>\$581,814.73</u></u>

STATUTORY ENVIRONMENT:

Regulation 13(2) of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of accounts approved for payment under delegated authority showing the payee's name; the amount of the payment; and sufficient information to identify the transaction, and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of payments made using the purchasing cards showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

As indicated in Payment of Accounts.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Council notes the payment of accounts totalling \$581,814.73 for the period 1 April to 30 April 2024 as per Attachment 11.4.1.

AGENDA NUMBER & SUBJECT:	11.5 – Department of Biodiversity, Conversation and Attractions and Forest Products Commission Bush Fire Response
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Dale Putland – Acting Chief Executive Officer
REPORTING OFFICER:	Dale Putland – Acting Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	16 May 2024
ATTACHMENTS:	Nil

BACKGROUND:

Concerns were raised by attendees of the Shire of Nannup Bushfire Advisory Committee meeting held on 6 May 2024 that the arrangements between the Forrest Products Commission (FPC) and the Department of Biosecurity, Conservation and Attractions (DBCA) for fire response on land purchased or leased by FPC are not clear.

The BFAC was informed that uncertainty regarding the arrangements has recently resulted in the FPC failing to notify the Department of Fire and Emergency Services (DFES) of a fire on FPC land.

The minutes of the BFAC meeting are presented to Council in a separate item for endorsement.

COMMENT:

Uncertainty regarding the status of arrangements between the FPC and DBCA for fire response on land purchased or leased by FPC has potential to hinder bushfire control operations and has increased uncertainty regarding the status of bushfire management plans prepared by FPC in support of its plantation development applications.

The uncertainty is primarily in relation to whether DBCA will respond to fires on these lands or leave it to the local bushfire brigades to respond as first responders. This uncertainty also makes it difficult to determine what appliances are available to the FPC to protect these lands from fire.

While advice at an officer level from the FPC suggests that the DBCA is responsible for these lands, this is not supported by DBCA officers. It is essential that this is clarified prior to determination of any plantation development applications and prior to the next summer's bushfire season.

For example, the Plantation Management Plan submitted by the FPC in support of its development application for the Old Folly plantation included the following statement:

FPC has a formalised Memorandum of Understanding (MoU) with Parks and Wildlife to ensure that in the event of wildfire, DPaW (sic DBCA) assists with the protection of FPC plantations located within 3km of DPaW estate. The MoU also ensures that these same plantations are covered by the DPaW wildfire detection system; i.e. aerial spotter flight, manned towers and remote sensing.

However, statements made by the DBCA representative during the BFAC meeting suggested that this MOU was only in relation to former DBCA plantations that were transferred from DBCA to the FPC and does not extend to new plantations on privately owned land (see minutes of the BFAC meeting in separate agenda item).

This issue has raised concerns within the Shire's local bushfire brigades regarding whether DBCA will respond to fires within these plantations. The BFAC unanimously resolved the following motion:

That the Shire of Nannup ask FPC and DBCA to clarify who is responsible for fires on privately owned FPC land and whether the memorandum of understanding (MOU) between FPC and DBCA is going to change to include private free hold title land.

Due to the level of potential risk that may be created through this uncertainty, it is recommended that in addition to seeking clarification from these departments, the Shire seek support from its partners in the Warren Blackwood Alliance of Councils and through the Western Australian Local Government Association (WALGA) South West Zone to:

1. Request the State Government to clarify arrangements between the Forrest Products Commission (FPC) and the Department of Biosecurity Conservation and Attractions (DBCA) to clarify who is responsible for fires on privately owned FPC land and whether the memorandum of understanding (MOU) between FPC and DBCA is going to change to include private free hold title land.
2. Request that the State Government ensures that adequate firefighting resources are allocated to state owned plantations to protect them from bushfires and respond to fires within plantations within reasonable timeframes.

STATUTORY ENVIRONMENT:

The Western Australian *Bushfires Act 1955 s28* sets out the responsibilities of landowners in relation to bush fire occurring on their land.

28. *Occupier of land to extinguish bush fire occurring on own land*
 - (1) *Where a bush fire is burning on any land —*
 - (a) *at any time in any year during the restricted burning times; or*
 - (b) *during the prohibited burning times, and the bush fire is not part of the burning operations being carried on upon the land*

*in accordance with the provisions of this Act,
the occupier of the land shall forthwith, upon becoming aware of the bush fire,
whether he has lit or caused the same to be lit or not, take all possible measures
at his own expense to extinguish the fire.*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

OUR NATURAL ENVIRONMENT: We will protect, manage, and enhance our natural assets, including our forests, managed bushland, rivers, agriculture and pristine coastline.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council;

1. Instruct the Chief Executive Officer to write to the Forest Products Commission and Department of Biodiversity, Conservation and Attractions and their responsible ministers to clarify who is responsible for fires on privately owned FPC land and whether the memorandum of understanding (MOU) between FPC and DBCA is going to change to include private freehold title land.
2. Request the State Government ensure that adequate firefighting resources are allocated to state-owned plantations to protect them from bushfires and respond to fires within plantations within reasonable timeframes. and
3. Raise these matters and seek support from its partners in the Warren Blackwood Alliance of Councils and through the Western Australian Local Government Association (WALGA) South West Zone to address these concerns.

AGENDA NUMBER & SUBJECT:	11.6 - Sponsorship Request – Nannup Flower and Garden Festival 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	EVE 3
AUTHOR:	Nicole Botica - Economic and Community Development Coordinator
REPORTING OFFICER:	Dale Putland - Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	9 May, 2024
ATTACHMENTS:	11.6.1 - Event Sponsorship Proposal Nannup Flower & Garden Festival 2024

BACKGROUND:

The Shire of Nannup has developed a draft sponsorship program. The program is determined by the sponsorship investment from the Shire financially and in-kind. It proposes four funding streams, Bronze, Silver, Gold, or Platinum. The proposal has an emphasis on Economic or Community focused events.

- Economic focused events aim to bring visitation to and generate economic benefits to Nannup because of their event, such as local spending, job creation, visitor spending and the like.
- Community-focused events bring the Nannup community together and provide free or low-cost experiences/activities, social benefits, cultural diversity and inclusion.

To ensure the program is purpose driven it has been distributed for comment to the larger events that regularly occur within the Shire of Nannup.

The Nannup Flower & Garden Festival started in 1997 and was recognised as the Nannup Tulip Festival. The festival began as a daffodil weekend run by the Visitor Centre. In 2006 the festival changed focus to incorporate other bulbs and flowers, then became known as the Nannup Flower and Garden Festival.

The Shire of Nannup has been an ongoing sponsor of the Nannup Flower and Garden Festival. The standing Memorandum of Understanding (MOU) is due for renewal and indicates annual sponsorship contribution of \$10,000 excluding GST.

The Nannup Flower and Garden Festival has tested the application process and eligibility criteria and have submitted a request for an increase in sponsorship for council's consideration for this year's event. Please refer to attachment 11.6.1 for more detail about the request.

COMMENT:

During the 2023 festival the Shire of Nannup contributed in-kind support to the value estimated at approximately \$23,000. This support contributed towards the beautification of the town centre with joint marketing through our media channels and updates on the Experience Nannup App.

The Shire's infrastructure department contributed towards the establishment and placement of the planter boxes, line marking within the festival precinct, extra cleaning of Shire ablutions and facilities, general maintenance and the purchase, delivery, and establishment of approximately 17,000 Tulips for the streetscape and Town Hall displays.

The Nannup Garden Village Inc. are increasing the festival footprint for the 2024 event. They have offered the Shire of Nannup's name or the Experience Nannup branding naming rights for the festival to demonstrate the strong partnership with the Shire.

The festival coordinators are seeking the PLATINUM level package to secure the naming rights. This would result in an additional \$5,000 in sponsorship from the Shire of Nannup to the festival. This increased investment will enable the festival organisers to enhance the marketing initiatives, elevate the overall festival experience, and maximise the exposure for Shire of Nannup and the Experience Nannup brand.

The festival is also offering greater promotion through their socials media for the festival lead up with extensive promotion of the Experience Nannup app.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

FNC 3 – Community Groups and Donations

FINANCIAL IMPLICATIONS:

This would substantially increase the sponsorship and leverage the festival into the Platinum level which is up to \$20,000 in value with a minimum applicant contribution of \$2000.

The proposed sponsorship guidelines identifies that the event must demonstrate;

- An annual occurrence with a sustainable business model;
- How it is internationally recognised;
- Uniqueness to the region;
- The attraction of interstate visitors;
- Opportunities for local businesses;

- Active engagement of the local community; and
- Significant external media exposure.

The Platinum sponsorship will only be made available to events that demonstrate the above and have been a regular attraction in Nannup for 10 or more years.

STRATEGIC IMPLICATIONS:

OUR COMMUNITY: We role model sustainability, friendliness, and we are proud of and engage with our heritage, festivals and events.

1.1 Who We Are

We will retain our pride in being a small, unique and friendly town that is a vibrant and engaging place to live.

OUR ECONOMY: Well planned, managed, sustained growth is the key to Nannup's future.

2.2 Tourism and Attraction

We will work together to attract people, investment and innovation to our Shire

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council

1. Support the proposal for the Platinum Sponsorship and allocate an additional \$5000 in cash contribution to the Nannup Flower Festival, under the below conditions:
 - Event naming rights.
 - Shire President (or delegate) Opening Address to event.
 - Acknowledgement at the base of all print and electronic material for the event (Shire of Nannup logo and Experience Nannup logo).
 - Acknowledgement of Shire of Nannup logo and Experience Nannup logo on event tickets.
 - Acknowledgment of sponsorship in all formal correspondence (press releases, email signatures, landing page website).
 - Display 4 x Shire teardrop banners in main event location.
 - Use of 2 x Shire display tent/gazebo in event village.
 - 6 x Complimentary Entry tickets (if applicable).
 - Post event report on demonstrating the positive outcomes for the Nannup community.

-
- Post event acquittal report (including financial).
 - Event registered on the Experience Nannup App.
 - Minimum of 5 social media posts acknowledging the Shire of Nannup in the lead up to the event.
 - Verbal acknowledgements through the Public Announcement system during the event.
 - Minimum of 5 social media posts acknowledging the Shire of Nannup in the lead up to the event.
 - Verbal acknowledgements through the Public Announcement system during the event.
 - Event photography available for the Shire of Nannup to use for promotional purposes.
2. Resolves to use this as an opportunity to authorise the CEO to re-negotiate the expired MOU for a further three-years and support the future growth of this event.

AGENDA NUMBER & SUBJECT:	11.7 – Memorandum of Understanding – Nannup Music Club Inc
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	EVE 2
AUTHOR:	Nicole Botica - Economic and Community Development Coordinator
REPORTING OFFICER:	Dale Putland – Acting Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	16 May, 2024
ATTACHMENTS:	11.7.1 – Memorandum of Understanding - Shire of Nannup and Nannup Music Club Inc. 2024 – CONFIDENTIAL ATTACHMENT

BACKGROUND:

The Shire of Nannup community is vibrant and thriving, celebrating its uniqueness through events and festivals and sharing these experiences with its visitors. Nannup hosts many events and festivals throughout the year. Some of the events are regionally significant and provide strong economic benefits for the local community. Many are coordinated by community groups and managed by volunteers. The Shire of Nannup supports a strong and robust community through creative festivals.

The Nannup Music Festival is produced by a dedicated team of staff and volunteer Committee from the non-profit Nannup Music Club Inc and has been running since 1990. It takes place every year during the March long weekend amongst the beautiful landscape, at Foreshore Park and along Brockman Street. The festival continues to grow with over 35 years in partnership with the local community and the Shire of Nannup.

COMMENT:

During the 2024 festival the Shire of Nannup contributed in-kind support estimated at \$2,984 in value. This support included the road signage and traffic management, water binding, line marking, cleaning, rubbish removal and general maintenance. Joint marketing was enabled through our media channels and updates on the Experience Nannup App were also delivered.

Prior to COVID-19, Brockman Street was open, and the festival was only ticketed in individual venue spaces with a total visitation rate to Nannup of 7,000 to 10,000 people. The COVID 19 pandemic changed all the health requirements for events and in 2021 the festival closed Brockman Street to manage social distancing. This closure of the event space allowed a ticket capacity to double.

In 2022 due to COVID-19 pandemic, the festival did not go ahead. The festival was held with the closed site plan for the 2023 and 2024 festival to improve strategic crowd control and improve financial viability in line with the increased cost of delivering the festival.

The Nannup Music Festival currently costs approximately of \$1 million to deliver and the Nannup Music Club business model suggests that they need to sell 4,000 tickets to make the music festival viable.

In 2024 the event attracted 27,000 total visitors to Nannup, with venues being smoke free and family friendly. All the music attractions were made available at the free venues over the festival.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

The Shire's HLT5– Health Policy informs the event application process.

FINANCIAL IMPLICATIONS:

The Shire will continue to provide in kind support (estimated at \$2,984 in value in 2024) and have provided annual sponsorship of \$10,000 per annum.

STRATEGIC IMPLICATIONS:

OUR COMMUNITY: We role model sustainability, friendliness, and we are proud of and engage with our heritage, festivals and events.

1.1 Who We Are

We will retain our pride in being a small, unique and friendly town that is a vibrant and engaging place to live.

OUR ECONOMY: Well planned, managed, sustained growth is the key to Nannup's future.

2.2 Tourism and Attraction

We will work together to attract people, investment and innovation to our Shire

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That Council endorse the attached Memorandum of Understanding and authorise the Chief Executive Officer to execute the Memorandum of Understanding between the Shire of Nannup and the Nannup Music Club Inc.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

13. MEETING MAY BE CLOSED:

Nil.

14. CLOSURE OF MEETING:

Attachments

Item #	Attach	Title
5.1		Ordinary Council Meeting Minutes – 18 April 2024
5.2		Special Council Meeting Minutes – 29 April 2024
5.3		Sustainability Advisory Committee Minutes – 17 April 2024
5.4		Bush Fire Advisory Committee Minutes – 6 May 2024
11.1	1	Location map
	2	Plans and information from applicant
	3	Bushfire Management Plan
	4	Submissions
	5	Applicant response to submissions
	6	Bushfire consultant response
	7	Planning framework: extract of key documents
	8	Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
	9	Approved site plan
11.2	1	Register of Delegated Development Approvals
11.3	1	Financial Activity Statement – April 2024
11.4	1	Payment of Accounts – April 2024
11.6	1	Event Sponsorship Proposal Nannup Flower & Garden Festival 2024
11.7	1	CONFIDENTIAL ATTACHMENT - Memorandum of Understanding - Shire of Nannup and Nannup Music Club Inc. 2024