



Agenda

Ordinary Council Meeting Thursday 28 November 2024

4.30 pm at Cundinup Fire Shed

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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

Shire President	Anthony (Tony) Dean
Deputy Shire President	Vicki Hansen
Councillor	Lynette Curtis
Councillor	Patricia Fraser
Councillor	Cheryle Brown
Councillor	Timothy Sly

Chief Executive Officer	David Taylor
Executive Manager Corporate Services	Kim Dolzadelli
Executive Manager Works and Services	Damon Lukins
Executive Support Officer	Lisa Atkinson

2.2 APOLOGIES

Nil

3. PUBLIC QUESTION TIME:

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

4.1 APPROVED LEAVE OF ABSENCE:

Nil.

4.2 APPLICATION FOR A LEAVE OF ABSENCE:

Nil.

5. CONFIRMATION OF MINUTES:

5.1 Warren Blackwood Alliance of Councils – Climate Alliance Reference Group – 11 October 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the Warren Blackwood Alliance of Councils – Climate Alliance Reference Group held on 11 October 2024 be received (attachment 5.1).

5.2 Shire of Nannup Ordinary Council Meeting – 24 October 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the Shire of Nannup Ordinary Council Meeting held on 24 October 2024 be confirmed as a true and correct record (attachment 5.2).

5.3 Local Emergency Management Committee – 6 November 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the Local Emergency Management Committee held on 6 November be received (attachment 5.3)

5.4 Bush Fire Advisory Committee – 11 November 2024

EXECUTIVE RECOMMENDATION:

That the minutes from the Bush Fire Advisory Committee held on 11 November 2024 be received (attachment 5.4)

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

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:

Mark Thomas, President of the Cundinup Progress Association will present a short history of the old Cundinup School.

Nina Hoad-Pipkin will make a presentation to Council regarding agenda item 11.3 - Development Application for the Change of Use of a Portion of an Existing Dwelling and the Addition of a Tiny House, for Use as Holiday Accommodation.

Shelly Marrison will make a presentation to Council regarding agenda item 11.3 - Development Application for the Change of Use of a Portion of an Existing Dwelling and the Addition of a Tiny House, for Use as Holiday Accommodation.

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1– Delegated Planning Decisions for October 2024
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower–Development Services Officer
REPORTING OFFICER:	David Taylor- Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 November 2024
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENT:	11.1.1 – Register of Delegated Development Approvals

BACKGROUND:

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve 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 October 2024 is presented in Attachment 11.1.1.

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 October 2024, eight (8) 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 October 2024 compared to October 2023:

	October 2023	October 2024
Delegated Decisions	6 (\$1,162,038.00)	5 (\$221,050.00)
Council Decisions	1 (\$600,000.00)	1 (\$1,500,000.00)
Total	7 (\$1,762,038.00)	(\$1,721,050.00)

83% of all approvals issued in the month of October were completed within the statutory timeframes of either 60 or 90 days. One application was determined outside of the statutory timeframe of 90 days due to the need to have the application considered by Council.

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.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Simple majority.

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for October 2024 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2- Local Heritage Survey Review
LOCATION/ADDRESS:	Multiple properties/sites throughout the Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	TPL14
AUTHOR:	Erin Gower – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 November 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.2.1 – Draft Local Heritage Survey 11.2.2 - Request for revocation of Place #45: Linden 11.2.3 - Request for name change of Place #82: Templemore to Stopping Place 11.2.4 – Nomination Request - Nannup Hardware 11.2.5 – Update of historical information #48: McMahon’s Cottage 11.2.6 – Proposed Place Card for Nannup Hardware 11.2.7 – Local Planning Policy 13: Heritage Conservation 11.2.8 – Shire of Nannup Heritage List

BACKGROUND:

1. Overview

A Local Heritage Survey (LHS) is a document that illustrates heritage value within a municipality. It lists sites, structures and places that are valued for their local cultural heritage significance.

The *Heritage Act 2018* requires every local government to formulate and review a Local Heritage Survey. As per the Guidelines for Local Heritage Surveys as an indication, the LHS of a remote or regional local government with few major development projects is likely to remain relevant for 10-15 years.

A Local Heritage Survey is the foundation for sound local heritage planning through identifying local heritage assets and providing the base information needed for local heritage planning to achieve consistency, strategic direction and community support.

A Local Heritage Survey can be seen as an asset to the Council that can be used, in conjunction with the Council’s Local Planning Scheme No. 4 and Local Planning Policy 13: Heritage Conservation, to provide a measure of protection for individual places and precincts. A Local Heritage Survey also provides guidance for maintaining places and the consideration of conservation incentives.

2. Previous Municipal Inventory 1996

The previous Municipal Inventory 1996 (MI) was prepared by Heritage & Conservation Professionals in conjunction with Boyup Brook, Bridgetown/Greenbushes, Manjimup and Nannup in 1995 and adopted by Council in February 1996. There were originally 57 sites listed with only 22 of those being assessed in detail in the original 1996 Shire of Nannup Municipal Inventory due to the cost restrictions of the project.

3. Changes since 1996

The process of reviewing the original MI has revealed that most of the document is still relevant. The LHS seeks to update the former document based on new information and changing circumstances.

Since the first MI was prepared, some places have been demolished, others enhanced, and new places have been brought to the attention of the Shire administration.

As a result, 82 sites, places, and structures are featured in the LHS which are considered to have “cultural significance” to the Nannup community. A large portion of these sites were featured in the MI, but some have changed over time. Conservation, demolition, preservation and the effect of the elements have influenced the physical appearance of these places and as a result, influence their “cultural significance” and meaning to the community.

4. Community and Stakeholder Consultation

In addition to the in-office investigations and research, the Shire administration consulted widely for a four-week period in April 2024 through:

- Writing to and inviting comments from wide ranging stakeholders and all land owners who possess a heritage place on their land – this gave each affected owner the opportunity to comment on the heritage significance of any place proposed for inclusion;
- Placing Public notices and details in the Shire of Nannup Public notes;
- Advertising post added to the Shire of Nannup Facebook page;
- Webpage created solely for the LHS Review on the Shire of Nannup Website; and
- Hardcopies made available to the public at the front desk of the Shire of Nannup Office.

Advice was sent to external agencies inviting comment on the proposed Local Heritage Survey and one submission was received from the Department of Lands, Planning and Heritage with encouraging feedback, commendations for undertaking the review and minor recommended changes to the document.

The Shire received 4 community submissions which are set out in attachments 11.2.2 - 11.2.5. The submissions suggested place record changes, one revocation request and one additional place nomination. Key issues raised through the submissions are discussed in the “Comment” section.

COMMENT:

A) Recommended Endorsement

It is suggested that the Council is now in a position to endorse the proposed Local Heritage Survey subject to the additional changes suggested in the 4 community submissions which are set out in more detail below.

B) Submission from Joan Lorkiewicz Attachment 11.2.2

A request to have Place No: 45 - Linden removed from the Local Heritage Survey was received from the property owner at Lot 84 East Nannup Road, East Nannup.

Linden is named after the Linden mine near Menzies, Broken Hill, NSW. The original house does not exist however the Jarrah slabs form part of the floor of the existing shearing shed. Notice from the owner states that the irrigation system no longer exists.

Linden is significant as an example of a homestead and farm continuously occupied from the 1880's to the present. The property represents the process of building new homesteads on the same property over the period of its history.

At this stage it is not recommended that the 'Linden' named property be removed from the Heritage List due to the overall heritage significance to the Shire of Nannup. Though the main homestead may not still be intact, the history of the property as a whole provides a strong connection to the early settlement of Nannup, it is suggested that the Place record be named 'Linden – Site Only'.

C) Submission from Wayne Reed Attachment 11.2.3

A request for a name change of Place No: 82 – Templemore was received from the property owner of Lot 2 (8) Warren Road, Nannup.

Templemore was one of the first brick dwellings in the area being built by James Kearney in 1908. The build took several years as the bricks were handmade on site out of mud mortar. There is state significance of this building as it is an example of early settlement in the South West Region.

Mr Reed is suggesting a name change from Templemore to the current business name "Stopping Place". The Shire has no objection to this request.

D) Submission from Kylee Wardle Attachment 11.2.4

A request to nominate a new place record. The property address is 67 Warren Road, Nannup and is currently established as a local Hardware.

It is suggested that the hardware building and site has significant cultural impact historically, being first developed in the late 1920's – early 1930's. The Chaff sheds were supplying local farmers and businesses with a carrying service. In 1942 rural supplies were added along with an apple packing shed.

There have been multiple owners, each adding their own extensions and renovations over the years. This business has been running consecutively for almost 100 years, providing many services to the local community.

The Nannup Hardware is currently listed on the Nannup Heritage Trail as stop #14 Lindsays Shop.

It is recommended that the Nannup Hardware site be added to the Local Heritage Survey with a management category of 4 due to the number of additions and renovations done to the building itself over the years. The heritage applies due to the consistent and ongoing services provided over the past 100 years to the Nannup community.

E) Submission from Simon Camp Attachment 11.2.5

A request received to update the information for Place No: 48 – McMahon's Cottage from the property owner at Lot 701 (267) Gold Gully Road, East Nannup.

Clarification was received surrounding the dates and information already on file for this place record. The construction date currently listed is 1932 but clarification from the previous owners that occupied the cottage in the 1940's notified that at the time they lived there, the building was already an old structure.

The wooden section of the cottage was added by Mick Cockman's father in the 1940's which later fell into despair and was removed. This cottage was originally part of the 'McMahon Farm' and has been confirmed by a member of the McMahon family that the stone section of this cottage was built between 1862-1863.

It is recommended that due to the nature of the updated information received coming from people that have had a direct connection to the property, the information supplied be accepted and included to Place No: 48 McMahon's Cottage.

F) Relationship to Local Planning Scheme No. 4

A Local Heritage Survey itself is identified as having no direct statutory role in respect of the *Planning and Development Act 2005*, and in particular should not be used as the basis of decision making for development or subdivision proposals. This function is served by a Heritage list or Heritage Area.

The LHS is only a guidance document that can be utilised when assessing a planning application for a property.

In order to provide statutory protection to significant heritage places, the places need to be included within a Local Planning Policy in a 'Heritage List'.

An LHS includes all of the inventoried places surveyed within the Shire of Nannup where the Heritage List as set out in Attachment 11.2.7 Local Planning Policy 13: Heritage Conservation only includes heritage deemed properties/places with a management category of 1,2 or 3. These places are considered to have more historical significance to the Shire of Nannup.

Attachment 11.2.8 outlines the heritage list from the current Shire of Nannup Local Planning Policy 13: Heritage Conservation. The heritage list only contains 60 places in comparison to the LHS which holds 82 places currently.

G) Assisting Heritage Conservation

Currently, other than relevant places managed by the Shire, the Shire does not financially assist private landowners or community groups with heritage conservation. There can be suggestion that Council should consider whether it wishes to fund financial and promote non-financial heritage initiatives in the short to medium term. This could include:

- the Council allocating monies in the 2025/2026 budget and/or directing the Shire administration to approach relevant stakeholders to determine support and seek effective partnerships to develop and update heritage trails, signage (including plaques/information boards), maps and brochures and other relevant initiatives.
- the Council setting aside monies into a heritage account/reserve which can assist private landowners undertake restorations for places on the LHS i.e. local heritage fund (grants). Financial assistance would be subject to written request from the landowner and be linked to available funding, merit assessment and may require the landowner to engage a heritage consultant to ensure improvements are, wherever possible and practical, sympathetic to the place's heritage significance.
- the Council seeking the support of historical societies/groups regarding the granting of heritage awards for landowners who have or are committed to restoring places on the LHS.
- waiving, refunding or providing a rebate for Planning Application and/or Building Licence fees.

H) Next Steps

Should Council choose to endorse the LHS, it will meet its legal obligation under the *Heritage Act 2018*, to increase certainty for everyone with an interest in the matter and clarify requirements when assessing planning/development applications.

STATUTORY ENVIRONMENT:

Heritage Act 2018, Planning and Development Act, State Planning Policy 3.5 Historic Heritage Conservation & Local Planning Policy 13: Heritage Conservation.

Section 103. of the *Heritage Act 2018* states the following:

- 1) A local government must prepare a survey of places in its district that in its opinion are, or may become, of cultural heritage significance
- 2) After preparing an LHS, a local government must –
 - a. provide the Council with a copy of the LHS; and
 - b. make the LHS available to the public.

The Council is required to have due regard to proposed changes and/or demolition based on relevant heritage assessment and the condition and capability of the place or site. The Council should require the submission of a Development Application for sites and places that are of high cultural significance. This should apply if the proposed development threatens the conservation or protection of these places or threatens the heritage significance in regard to its location, size, form or appearance.

POLICY AND CONSULTATION IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

There are no associated costs when adopting the LHS, however there can be costs should the Council decide to allocate funds in the Shire of Nannup 2025/2026 Budget for cultural heritage incentives such as developing and updating heritage signage, maps and brochures and other relevant initiatives. Over time, subject to necessary resources, it is suggested that other forms of promoting local heritage can be progressed.

It is also suggested that the Shire will not be responsible for meeting direct costs to the majority of the places (they are typically privately owned or on land managed by the State Government) and is only responsible for few buildings, where modest funding is received.

It is noted that financial implications of a dwelling included on the LHS can often be perceived as attractive, as well as rare, depending on the property and the consumer market. In addition, heritage can aid the financial component of an area, due to enhancing a place's amenity and/or character.

As stated in Attachment 11.2.7 LPP13 Heritage Conservation Incentives for not-for-profit clubs, groups, organisations, individuals and businesses that have ownership/management of places included on the Heritage List may be eligible for various incentives from the Heritage Council of WA, National Trust of Australia (WA), other bodies or the local government.

The local government will waive, or refund Development Application fees charged by the local government for places on the Heritage List where the applicant/owner proposes development that will enhance or maintain the heritage aspects of the place in the opinion of the local government.

The local government may provide a rate's rebate for places on the Heritage List as determined through Council's adopted budget. Should a rate rebate be agreed by Council, it will usually require a Heritage Agreement to be entered into.

RISK MANAGEMENT MATRIX

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Failure to review the Local Heritage Survey would result in non-compliance with the *Heritage Act 2018*.

STRATEGIC IMPLICATIONS:

As part of the *Heritage Act 2018*, it is a local governments role to participate in identifying, conserving and preserving the area's heritage. Heritage plays a significant role in tourism, amenity, community, a 'sense of place' and identity.

The LHS is ultimately endorsed by Council and can assist in the Council and Shire administration's assessment of planning and building applications, can assist in grant applications and is used by landowners and other stakeholders in various ways.

The LHS will help to:

- educate and inform the community and stakeholders about Nannup's natural and built heritage and its value;
- provide an updated document that provides a fresh insight into the natural and built heritage in the municipality;
- indicate places that require conservation and the provision of appropriate techniques to conserve;
- obtain funding for conservation and associated initiatives (from groups, individuals, organisations); and
- influence reconciliation, active participation and decision making between Council, the Shire administration and stakeholders.

ECONOMIC IMPLICATIONS:

Economic implications are influenced by various 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.

SOCIAL IMPLICATIONS:

Places can only be included to the LHS on the basis of cultural significance which includes aesthetic, historic, social and scientific value.

Social implications will depend on 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.

ENVIRONMENTAL CONSIDERATIONS:

Nil.

OPTIONS:

Council can:

- endorse the LHS without modifications
- endorse the LHS with modifications
- defer consideration of the matter and require additional information
- not agree to endorse the LHS

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That Council:

- Note the submissions set out in Attachments 11.2.2 – 11.2.5
- Agree to the changes to the list of heritage places and their management category, from what was publicly advertised, as set out in Attachment 11.2.7
- Endorse the Shire of Nannup Local Heritage Survey as set out in Attachment 11.2.1 which incorporates recommended changes based upon submissions received.
- Note the Shire administration will undertake formatting and grammatical changes to the document e.g. ensuring the table of contents and index aligns with the report. These will not alter the heritage or planning content of the Shire of Nannup Local Heritage Survey as set out in Attachment 11.2.1 and tabled at the Council meeting.
- Note the finalised Shire of Nannup Local Heritage Survey will be placed on the Shire website, be available at the Shire office and be available at the local library.

AGENDA NUMBER & SUBJECT:	11.3 – Development Application for the Change of Use of a Portion of an Existing Dwelling and the Addition of a Tiny House, for Use as Holiday Accommodation
LOCATION/ADDRESS:	Lot 7 (#30) on DP22345 Broadlea Rise, Nannup
NAME OF APPLICANT:	David and Shelly Marrison
FILE REFERENCE:	A1261
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	31 October 2024
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.3.1 - Location map 11.3.2 - Original information from the applicant 11.3.3 - Submissions 11.3.4 - Response from the applicant and Management Plan 11.3.5 - Extract from the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

BACKGROUND:

The Shire has received a Development Application from the owners of Lot 7 (#30) Broadlea Rise, Nannup for the change of use of a portion of an existing dwelling and the addition of a tiny house, for use as holiday accommodation. The tiny house is proposed to be included in an extension of the existing building envelope.

The site as shown in Attachment 11.3.1, is located on Broadlea Rise approximately 300 metres from the intersection with Barrabup Road. The site is 2.2330 hectares in area and contains a single house, sheds, and water tank. The applicant has an existing approval to use the house for bed & breakfast accommodation which provides 1 guest bedroom which can accommodate 2 persons.

Details of the proposal as provided by the applicant are shown in Attachment 11.3.2. In summary, the applicant proposes to convert a self-contained section of their existing dwelling and construct a new tiny home, both to be used as holiday accommodation. The holiday accommodation is proposed to accommodate a total of 8 persons, resulting in the occupancy of the property being a maximum of 10 guests in total.

Consultation

The Shire administration undertook consultation by inviting public comment on the Development Application for a period of 14 days by writing to 8 adjoining/nearby landowners. The Shire received 6 submissions on the Development Application as outlined in Attachment 11.3.3. All submitters objected to the proposed development.

In summary, key matters raised are:

- amenity impacts related to noise, views, anti-social behaviour, a loss of tranquillity and intensification of use;
- increased vehicle movements on Broadlea Rise and the surrounding Rural Residential area;
- privacy for adjoining properties;

- insufficient management of the property; and
- environmental impacts.

Council should note that one of the submissions contains redacted information. This information was personal in nature and is not relevant to this application.

In response to these submissions, the applicant has provided a response addressing the concerns which is set out in Attachment 11.3.4.

Planning framework

The property is zoned 'Rural Residential' in the *Shire of Nannup Local Planning Scheme No. 4* (LPS4). The Council has the legal power under LPS4 to approve the Development Application for the holiday accommodation use in the Rural Residential Zone. Holiday accommodation is an 'A' use in the Rural Residential Zone as set out in the LPS4 Zoning Table meaning Council can approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions (seeking community and stakeholder comment).

LPS4 defines holiday accommodation as '2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot'.

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

- 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
- Encourage the establishment of businesses, which attract and promote the Nannup townsite and the Shire as a tourist destination.

The *Shire of Nannup Community Strategic 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.

The entire property is located outside of a bushfire prone area.

With regard to the proposed extension to the building envelope, Clause 51(3) of LPS4 states:

"The local government may approve a variation to, or relocation of the building envelope, subject to advertising in accordance with clause 64 of the Deemed Provisions, provided in each case it is satisfied that –

- the objectives of the zone are not compromised;
- the visual amenity and rural character of the locality will not be affected to any greater degree by development within the proposed new building envelope to that which might have occurred within the building envelope as originally proposed;
- development within the proposed new building envelope will not render the protection of the property from the risk of bushfire any more difficult to achieve than would be the case with the approved building envelope; and
- the proposed size and location of the envelope can accommodate future development, including on-site septic effluent disposal systems and not have a detrimental effect on the environment."

Attachment 11.3.5 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. Some of the matters raised in the submissions are outside the scope of land use planning considerations.

Council should note that as of 19th September 2024 the *Planning and Development (Local Planning Schemes) Regulations 2015* have been amended to facilitate planning changes for short-term rental accommodation and there is now a state-wide development approval exemption for 'hosted short-term rental accommodation' (where there is no works component).

Hosted short-term rental accommodation means any of the following:

- a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;
- b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;
- c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.

The application was lodged and accepted by the Shire on 16th September 2024 and therefore the above amendments do not apply. However, had the application been lodged on or after 19th September 2024 it would only have been required to include the tiny house and not the change of use of the self-contained portion of the main house.

COMMENT:

A) Overview

Following an assessment of the Development Application against the planning framework, the 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 based on the plans in Attachment 11.3.2 given:

- It is overall consistent with the planning framework;
- It supports diversifying and growing the local economy and supports tourism;
- The holiday accommodation is hosted, meaning the owner of the property resides on-site when guests are staying at the property;
- Increased traffic can be accommodated on local roads;
- There are expected to be manageable environmental impacts;
- 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:

- Amenity impacts including noise
- Privacy of surrounding neighbours
- Traffic impacts
- Effective management of the holiday house
- Extension of the building envelope

Amenity

The Shire acknowledges the concerns from submitters with regards to noise and anti-social behaviour. The *Environmental Protection (Noise) Regulations 1997* apply to the site (and throughout Western Australia). Should written complaints on noise be received in the future, the Shire will separately investigate.

The proposed holiday accommodation is approximately 110 metres from the closest neighbouring dwellings (to the north and south), with the next closest dwellings being approximately 130, 150 and 180 metres away.

The applicant's commitment, outlined in Attachment 11.3.4, to limit occupancy of the holiday accommodation to 8 persons and not permit holidaymakers to bring pets is noted. These commitments are proposed to be formalised in the development conditions.

Privacy of Surrounding Neighbours

The Shire also acknowledges the concerns from submitters with regards to privacy matters including taking photographs of adjoining gardens, guests feeding animals, and generally observing the activities of neighbours.

In response to the concern from submitters, as outlined in Attachment 11.3.4 the applicant is currently undertaking substantial planting of trees and windbreak hedging in order to enhance privacy for neighbours while also reducing the visual impact of guest vehicles. Guests will not be permitted to bring pets onto the property and will not be permitted to use drones while staying on the property. The applicant has committed to providing information in their online advertising and within the guest rooms advising that interacting with animals on neighbouring properties is not permitted.

Traffic Impacts

Broadlea Rise is a local road under the control of the Shire, is sealed and has an existing capacity to address additional traffic from the proposed development. Based on Council's *Local Planning Policy LPP14 Developer and Subdivider Contributions*, State Government policy and legal principles, it is suggested that no financial contribution is required from the applicant to upgrade Broadlea Rise.

In response to the concern from submitters regarding the number of guest vehicles to be parked on the property, the applicant's commitment as outlined in Attachment 11.3.4 is that a maximum of 3 guest cars will be accommodated, one for the existing bed & breakfast and an additional two for the holiday accommodation.

On-going Management

The proposed development is considered hosted accommodation meaning that the applicant will reside on the property as the manager while guests are staying on the property.

There are several recommended development conditions that seek to minimise land use impacts and encourage appropriate neighbourly relations. This includes a recommended condition requiring the applicant/landowner to update, gain approval and effectively implement a Management Plan. The updated Management Plan, amongst matters, to address visitor behaviour and relevant management measures to avoid adverse impacts on the area's amenity.

Extension of the Building Envelope

The proposed development provides additional short term accommodation opportunities which, as hosted accommodation, are consistent with the amenity of the locality and the landscape attributes of the land. The Shire administration considers that the visual amenity and rural character of the locality will not be affected to any greater degree by the proposed development being within an extension to the building envelope to that which might have occurred within the building envelope as originally proposed.

The proposed building envelope and tiny house will be 20 metres from the northern boundary of the property. This will not result in the protection of the property from the risk of bushfire being any more difficult to achieve than would be the case with the approved building envelope as the Shire's Bushfire Risk Compliance Notice requires the property to have firebreaks not less than 4 metres wide constructed within 6 metres of the property boundary.

The applicant proposes to utilise the existing on-site wastewater system to service the proposed tiny house. The main building is already connected to this system.

C) Conclusion

The Shire administration considers that the applicant has suitably addressed the concerns raised by submitters and will take steps to minimise any impact on the neighbouring properties.

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

- it is consistent with the planning framework including that LPS4 enables the holiday home use in the Rural Residential Zone;
- it is a low-key use which is expected to have manageable off-site impacts;
- it supports diversifying the local economy and supports tourism;
- there are no environmental impacts if pets are not permitted;
- there are no objections from other Shire officers/units; and
- development conditions can assist to control the use and management of the development.

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 and LPS4.

POLICY IMPLICATIONS:

Local Planning Policies are relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application. Relevant policies include *LPP9 Tourism Land Uses and Short-Term Accommodation* and *LPP14 Developer and Subdivider Contributions*.

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.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that the key risks are as follows:

- Reputational risk - Failure to consult with the community resulting in complaints. This has been managed through the consultation process and the risk is considered low.
- Compliance and regulatory risks - Failure to consider the guidelines presented in the Shire's local planning framework, including local planning policies. This has been managed through liaising with the applicant throughout the application process and can be further managed through the application of suitable development conditions. The risk is considered low.
- Strategic risk – Not supporting the application would not support local businesses, the local economy and job creation, and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2021-2036*. The risk is considered low.
- Financial risk - Please refer to the financial implications section above. The risk is considered low.

STRATEGIC IMPLICATIONS:

- 2.1 The Big Picture – We will grow our economy in ways that add value to our community and create diverse opportunities for our residents.
- 2.2 Tourism and Attraction – We will work together to attract people, investment and innovation to our Shire.
- 3.3 Planning and Building – We will provide quality planning outcomes for community benefit through quality consultation

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council approve the Development Application for the change of use of a portion of an existing dwelling and the addition of a tiny house, for use as holiday accommodation, on Lot 7 on Deposited Plan 22345 (No. 30) Broadlea Rise, Nannup, subject to the following conditions:

1. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the Shire and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire.
2. 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.
3. No more than eight (8) persons are to be accommodated in the holiday accommodation at any one time.
4. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
5. The tiny house is to be connected to a waste water disposal system approved by the local government and/or the Department of Health prior to commencement of the development.
6. A smoke alarm must be installed in the holiday accommodation on or near the ceiling:
 - (i) in every bedroom; and
 - (ii) 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.
7. The applicant is to submit and gain Shire approval for a Management Plan, prior to commencement of the holiday accommodation use, which addresses the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality. The approved management details shall be implemented on an ongoing basis to the satisfaction of the Shire.
8. The applicant shall not erect any advertising or signage at the site without the prior approval of the Shire.
9. Holidaymakers are not permitted to bring pets onto the property other than guide dogs.
10. All car parking spaces are designed, constructed and drained (at the proponent's cost) to the satisfaction of the Shire prior to occupation.
11. The provision of details, with the Building Permit application, which show a Landscaping Plan to the satisfaction of the Shire. The site is then landscaped in accordance with the approved Landscaping Plan prior to occupation. Following this, the landscaped area shall be maintained to the satisfaction of the Shire at all times.

Advice

- A) The applicant is advised that this Development 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) In relation to Condition 4, the Shire may require water samples to be taken and independently analysed. Should the Shire be required to arrange the testing, it will be at the cost of the applicant/operator.
- C) In relation to Condition 7, the Management Plan is to address matters including:
 - address the responsibility for client/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;

- seek the operation to be a good neighbour and be considerate including noise, trespass and the approach to reducing fire risks;
 - consider and address impacts from guests/visitors including amplified music and other noise;
 - address trespass and litter;
 - preventing pets (other than guide dogs);
 - not light any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level; and
 - adhere to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, flame-based décor or open fires are to be used during the restricted fire season.
- D) In relation to Condition 7, the applicant is also to make appropriate arrangements, prior to commencement of the holiday accommodation use, outlining how they will advise patrons of the Management Plan. This should include information provided on the website, social media platforms, tourist accommodation booking platforms and at the holiday accommodation.
- E) In relation to Condition 8, 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 a suitable Public Liability Insurance Policy is always maintained while the holiday accommodation use is operating.
- G) The applicant is advised that the approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911*, *Public Health Act 2016* and the *Shire of Nannup Health Local Laws*.
- H) The applicant should ensure that guests 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*.
- I) Shire records show that approval to install a standard septic system with 2 x 13 metre leach drains was issued in 2022 however there is no record of a Permit to Use Apparatus having been issued. The proponent will need to make application for a Permit to Use Apparatus by submitting written certification, from a suitably qualified person, that the effluent system is in good working order as well as an as-constructed diagram.
- J) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

AGENDA NUMBER & SUBJECT:	11.4 – Amendment No 1 to the <i>Shire of Nannup Local Planning Scheme No 4</i> : considering submissions
LOCATION/ADDRESS:	Lots 125,301 and 566 Cundinup- Dusinyillup Rd, Nannup
NAME OF APPLICANT:	Harley Dykstra and Graeme and Anne Brokman
FILE REFERENCE:	TPL2-01
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 November 2024
PREVIOUS MEETING REFERENCE	27 June 2024
ATTACHMENTS:	11.4.1 - Documentation from applicant 11.4.2 - Location Plan 11.4.3 - Submissions 11.4.4 - Schedule of Submissions 11.4.5 - Response from applicant

The purpose of this report is for Council to consider the submissions received during the advertising period and to determine whether or not to support Amendment 1.

The applicants seek Council’s adoption of a scheme amendment to remove Additional Site Requirement No.4 (ASR4) from Lots 125, 301 and 566 Cundinup-Dudinyillup Rd, Nannup to facilitate the on-going use of the subject lots for tree farm production.

The applicant’s documentation is provided in Attachment 11.4.1. The documentation provides the necessary information and justification required by the *Shire of Nannup Local Planning Scheme No.4* (LPS4) including details of the current and surrounding land uses, physical characteristics, infrastructure and access, and supporting rationale. The documentation provides background information which is generally not repeated in this report.

Site context and features

The site’s location is shown in Attachment 11.4.2. The total area of the three lots is 250.98 hectares and they are currently planted in blue gums. There are no structures on any of the lots contained within the site. The site is largely steeply sloping.

The lots do not currently have approval under any previous or current Local Planning Scheme for use as a tree farm however it is known that they have been planted in blue gums since 1996.

Planning framework

The lots are zoned ‘Priority Agriculture’ in LPS4 and are subject to ASR4 which states that tree farms will not be supported by the Local Government. The lots are also partially within Special Control Area SCA7 General (Landscape Values Area).

Council resolution

At the Council meeting on 27 June 2024, the Council passed the following motion at minute No 24073:

‘That Council,

1. *In accordance with Section 75 of the Planning and Development Act 2005 resolve to adopt Amendment 1 to the Shire of Nannup Local Planning Scheme No.4, including the modification in part 'b' as follows:*
 - a) *Amend the Scheme map to remove Lots 125, 301 and 566 Cundinup-Dudinyillup Road, Nannup from Additional Site Requirement No.4.*
 - b) *Amend Table 2 Additional Site Requirements to include the localities of East Nannup and Nannup in the description of land for ASR 4 as follows:*

No.	Description of Land	Requirement
ASR 4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup, and Nannup localities.	Tree farms will not be supported by the Local Government.

2. *In accordance with Regulation 35 of the Planning and Development (Local Planning Schemes) Regulations 2015, determines that Amendment No. 1 of the Shire of Nannup Local Planning Scheme No. 4 is a standard amendment for the following reasons:*
 - a) *The amendment relates to a zone that is consistent with the objectives identified in the scheme for that zone;*
 - b) *The amendment is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;*
 - c) *The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;*
 - d) *The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and*
 - e) *The amendment is not a complex or basic amendment.*
3. *Following the amendment documentation being suitable updated to reflect point 1, refer Scheme Amendment 1 to the Environmental Protection Authority in accordance with Section 81 of the Planning and Development Act 2005.*
4. *Submit Scheme Amendment 1 to the Western Australian Planning Commission for approval to advertise in accordance with Section 83A of the Planning and Development Act 2005.*
5. *Advertise Scheme Amendment 1 in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015, Section 47(2) for a period of 42 days.'*

Following the Council resolution on 27 June 2024, the amendment documents were modified by the applicant in accordance with the resolution.

EPA decision, WAPC approval to advertise and community/stakeholder consultation

The Environmental Protection Authority (EPA) determined that Amendment 1 was not required to be formally assessed. Following the receipt of the EPA decision, the Shire submitted Amendment 1 to the Western Australian Planning Commission (WAPC) for approval to advertise.

The WAPC requested minor modifications to the amendment documents as follows:

- a) Council adoption and Council resolution to advertise signature locations (page 4) being relocated prior to Council recommendation (page 20).
- b) modify 'ASR4' boundary within 'proposed zoning' map to include the southern boundary abutting Lot 11 Cundinup-Dudinyillup Road, Nannup.

- c) The Additional Site Requirement table to be referred to as Table 5 in the resolution.

The amendment documents were subsequently modified and resubmitted to the WAPC, with approval to advertise being granted on 20 September 2024. The Shire met the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* through seeking public comment on Amendment 1 for a six week period through:

- writing to adjoining/nearby neighbours along with relevant State Government departments, servicing agencies and other stakeholders;
- placing public notices in local papers and on the Shire office notice board; and
- details being provided on the Shire's website.

Submissions

The Shire received 2 submissions on Amendment 1 which are set out in Attachment 11.4.3 and summarised in the Schedule of Submissions in Attachment 11.4.4. The submissions raise no objections and provide general advice.

In accordance with standard practice, the Shire administration provided the applicant the opportunity to review and provide a response to the submissions. The applicant's response is shown in Attachment 11.4.5 and acknowledges that any change or intensification of the land use is likely to trigger the need for a Development Application.

COMMENT:

Following an assessment of the submissions against LPS4, the Local Planning Strategy (LPS), relevant State planning policies (SPP) and local planning policies, site conditions and information provided by the applicant, it is suggested that Amendment 1 be supported with no further modifications. The reasons in support of Amendment 1 include:

- the proposal is considered to be generally consistent with the endorsed LPS;
- the site adjoins other lots that are not within ASR4;
- the land will continue to be zoned Priority Agriculture;
- the site's physical features (steep slope, water availability, soils) and location are suitable for tree farms as evidenced that the subject lots have historically been used for tree farming and the intention is for the use to continue; and
- there is overall support from the community and stakeholders.

While noting the above, considerations with Amendment 1 include clarifying Council's position relating to preventing new tree farms within ASR4 and creating a precedent should Council resolve to support Amendment 1.

The Council adopted ASR4, in part, given that it was concerned about the loss of population in and around Nannup and impacts on on-going economic activity if large areas of tree farms were planted on priority agricultural land nearer the Nannup townsite. In comparison, the Council was supportive of tree farms on the priority agricultural land on the Scott Coastal Plain subject to addressing relevant planning considerations.

In relation to precedent, there is a requirement that a proponent suitably demonstrate the site is best suited to a tree farm compared to other forms of rural activity. Additionally, the Shire administration

suggests that a request to remove ASR4 from anywhere but the edges of the ASR4 boundary is unlikely to be recommended for support.

Should Council resolve to support Scheme Amendment No. 1 further planting of the lots as a tree farm could occur on the site subject to the landowner/proponent gaining Development Approval from the Shire.

Conclusion

The amendment which proposes to remove Additional Site Requirement No.4 (ASR4) from Lots 125, 301 and 566 Cundinup-Dudinyillup Rd, Nannup to facilitate the ongoing use of the subject lots for tree farm production is consistent with LPS4 and the endorsed LPS. The submissions do not identify any matter that prevents the Amendment proceeding. It is accordingly recommended that Amendment 1 be supported by Council.

Next steps with the scheme amendment process

Following the Council's decision, Amendment 1 will be assessed by the WAPC and the WAPC will provide its recommendation to the Minister for Planning. The Minister will make the final decision on Amendment 1. If the Minister approves Amendment 1 it will, in time, be gazetted. Following gazettal, the applicant and/or landowner are then required to gain relevant approvals at the development application stage.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS4.

POLICY IMPLICATIONS:

Nil at this stage.

FINANCIAL IMPLICATIONS:

The applicant has paid the required scheme amendment fee in accordance with adopted 2023/24 Schedule of Fees and Charges.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that the key risks are as follows:

- Reputational risk - Failure to consult with the community resulting in complaints. This has been managed through the consultation process and the risk is considered low.

- Strategic risk – Supporting the amendment may create a precedent whereby further applications to remove Priority Agriculture land from ASR4 are received. This would subsequently allow Council to receive development applications for tree farms on land where it was previously not able to be considered. The risk is considered medium.
- Financial risk - Please refer to the financial implications section above. The risk is considered low.

STRATEGIC IMPLICATIONS:

4.2.1 Balance community, environment and economic development in our Shire through appropriate planning frameworks and strategies.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council:

1. In accordance with section 75 of the *Planning and Development Act 2005* and Regulation 50 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolve to support Amendment No. 1 to the *Shire of Nannup Local Planning Scheme No. 4* by:
 - a) Amending the Scheme map to remove Lots 125, 301 and 566 Cundinup-Dudinyillup Road, Nannup from Additional Site Requirement No.4.
 - b) Amending Table 5 Additional Site Requirements to include the localities of East Nannup and Nannup in the description of land for ASR 4 as follows:

No.	Description of Land	Requirement
ASR 4	As shown on the Scheme maps land zoned Priority Agriculture – Biddelia, Carlotta, Cundinup, East Nannup, and Nannup localities.	Tree farms will not be supported by the Local Government.

2. Authorises the Shire President and Chief Executive Officer to execute and place the Common Seal on the Amendment No. 1 documents.
3. Refer Scheme Amendment No. 1 to the Western Australian Planning Commission and seek final approval by the Honourable Minister for Planning.

AGENDA NUMBER & SUBJECT:	11.5 – Delegations of Authority
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM22 & ADM22A
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manger Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 November 2024
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	11.5.1 - Proposed Shire of Nannup Delegations of Authority with tracked changes 11.5.2 - Current Planning, Building and Health Delegations of Authority 11.5.3 - Proposed Shire of Nannup Delegations of Authority final version

BACKGROUND:

Under Section 5.42 of the *Local Government Act 1995* (the Act), a local government may to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act (other than those under s5.43). Additionally pursuant to Section 5.16 of the Act, the local government may also delegate certain powers to Committees pursuant to Section 5.16, other than those under Section 5.17(1).

Section 5.33 allows the Chief Executive Officer to delegate any of their powers to another employee, provided such delegations are made in writing. The Chief Executive Officer may also impose conditions on these delegations. However, powers or duties delegated by the Chief Executive Officer cannot be further sub-delegated.

These delegations are intended to streamline decision-making processes and ensure efficient service delivery, aligning with our commitment to providing excellent customer service and operating within the constraints of relevant legislation.

Following a recent organisational restructure, where the Development Services portfolio now reports to the Executive Manager of Corporate Services, adjustments are required to the delegations for planning, building, and health services. These changes include the incorporation of an additional sub-delegation to reflect the updated reporting structure.

COMMENT:

Delegations provide mechanism to enable the day to day business of the Shire to be handled administratively in a timely and efficient manner. Alternatively, all decisions made under delegation would need to be considered formally by Council. This could have timing implications and potentially reduce customer satisfaction of the Shire's ability to make efficient, consistent decisions.

The delegations from Council to the Chief Executive Officer, and the sub-delegations from the Chief Executive Officer to other employees are providing sufficient guidance for the administration to perform local government functions and powers efficiently and effectively. The current delegations

recommended for changes by Council are provided in Attachment 11.5.1. Proposed changes are shown as tracked changes in this document.

For full details of the current delegations, Councillors are referred to Attachment 11.5.2.

For full details of the proposed delegations, with all changes made for clarity, please see Attachment 11.5.3.

As part of the review of the planning, building and health delegations, minor changes have been made to some delegations to ensure that they are up-to-date with current legislation. The function of most delegations remains the same and the changes have been made simply to ensure correct referencing and that links to legislation are correct.

The delegations where more major changes have been made are as follows:

- Delegation *6.1.1 Determine Compensation* now places a limit of \$500 on the amount of compensation that may be approved by the Chief Executive Officer. Compensation requests above this limit are to be reported to Council.
- Delegation *8.1.5 Appoint Designated Officer – Information Sharing* is a new delegation added in accordance with WALGA advice.
- Delegation *9.2.1 Local Planning Scheme No.4* has been substantially changed to better balance the functions able to be delegated under Local Planning Scheme No.4.

The changes made to this delegation aim to -

- enable Council to focus on strategic planning matters and the development of planning policies by reducing the number of non-complex development applications required to be considered and determined at its meetings;
 - enable the development approval process to operate in a more consistent and efficient manner by reducing the number of reports that need to be prepared and presented to Council;
 - enable the development approval process to operate in a timely manner;
 - retain Council's ability to consider more complex or community sensitive development applications where appropriate; and
 - recognise the professionalism of Local Government planning staff by providing them with more responsibility for making decisions.
- Delegation HLT 1 has been updated to the new format and is now referenced as Delegation *11.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911*.
 - Delegation 8.1.1 was incorrectly referencing the express power to delegate and has been moved in its entirety from the *Public Health Act 2016* delegations to the *Health (Miscellaneous Provisions) Act 1911* delegations. It is now referenced as Delegation *11.1.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)*.
 - Delegation *PDA 1 Town Planning* is proposed for revocation as it is no longer required with the introduction of Delegation 9.1.2.

The delegations not presented to Council as part of this report will remain unchanged.

STATUTORY ENVIRONMENT:

Local Government Act 1995

Section 5.42 – Delegation of some powers or duties to the Chief Executive Officer

Section 5.44 – Chief Executive Officer may delegate some powers and duties to other employees.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

STRATEGIC IMPLICATIONS:

Taken from the Shire of Nannup Strategic Community Plan 2021 – 2036

6.4 We are one – we will strive to make decisions and deliver outcomes that are in the best interest of the majority of the community.

Incorporate and deliver balanced outcomes including social, environmental, and financial, through triple bottom line decision making.

Provide a stable, consistent and honest government.

VOTING REQUIREMENTS:

Absolute majority.

OFFICER RECOMMENDATION:

That Council:

1. Revoke the following delegations as shown in attachment 11.5.2:

- 1.4.1 Health Local Law
- 2.1.1 Grant a Building Permit
- 2.1.2 Demolition Permits
- 2.1.3 Occupancy Permits or Building Approval Certificates
- 2.1.4 Designate Employees as Authorised Persons
- 2.1.5 Building Orders
- 2.1.6 Inspection and Copies of Building Records
- 2.1.7 Referrals and Issuing Certificates

2.1.8 Private Pool Barrier – Alternative and Performance Solutions
 2.1.9 Smoke Alarms – Alternative Solutions
 2.1.10 Appointment of approved officers and authorised officers
 6.1.1 Determine Compensation
 6.1.2 Prohibition Orders
 6.1.3 Food Business Registrations
 6.1.4 Appoint Authorised Officers and Designated Officers
 6.1.5 Debt Recovery and Prosecutions
 6.1.6 Food Businesses List – Public Access
 8.1.1 Appoint Authorised Officer or Approved Officer (Asbestos Regs)
 8.1.2 Enforcement Agency Reports to the Chief Health Officer
 8.1.3 Designate Authorised Officers
 8.1.4 Determine Compensation for Seized Items
 9.1.1 Illegal Development
 9.2.1 Local Planning Scheme
 HLT 1 – Health (Miscellaneous Provisions) Act 1911
 PDA 1 Town Planning

2. Endorse the following delegations as shown in Attachment 11.5.3:

1.4.1 Health Local Law
 2.1.1 Grant a Building Permit
 2.1.2 Demolition Permits
 2.1.3 Occupancy Permits or Building Approval Certificates
 2.1.4 Designate Employees as Authorised Persons
 2.1.5 Building Orders
 2.1.6 Inspection and Copies of Building Records
 2.1.7 Referrals and Issuing Certificates
 2.1.8 Private Pool Barrier – Alternative and Performance Solutions
 2.1.9 Smoke Alarms – Alternative Solutions
 2.1.10 Appointment of approved officers and authorised officers
 6.1.1 Determine Compensation
 6.1.2 Prohibition Orders and Certificates of Clearance
 6.1.3 Food Business Registrations
 6.1.4 Appoint Authorised Officers and Designated Officers
 6.1.5 Debt Recovery and Prosecutions
 6.1.6 Food Businesses List – Public Access
 8.1.2 Enforcement Agency Reports to the Chief Health Officer
 8.1.3 Designate Authorised Officers
 8.1.4 Dealing with Seized Items
 8.1.5 Appoint Designated Officer – Information Sharing
 9.1.1 Directions under s.214 *Planning and Development Act 2005*
 9.1.2 Local Planning Scheme No. 4
 11.1.1 Discharge of Powers – Section 26 of the Health (Miscellaneous Provisions) Act 1911
 11.1.2 Appoint Authorised Officer or Approved Officer (Asbestos Regs)

AGENDA NUMBER & SUBJECT:	11.6– Proposed Ordinary Council Meeting Dates for 2025
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 18
AUTHOR:	Lisa Atkinson – Executive Support Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 November 2024
PREVIOUS MEETING REFERENCE	Nil
ATTACHMENTS:	Nil

BACKGROUND:

At the Ordinary Council meeting held on 26 October 2023, with respect to meeting times, location and frequency for 2024, Council resolved as follows (Resolution No. 23167);

“That with respect to the Ordinary Meetings of Council to be held in 2024; Council;

1. *Retain a 4.30pm commencement time for all Ordinary Council meetings in 2024; and*
2. *Endorse the proposed dates and locations as shown in the Officer Report, with the first meeting commencing on Thursday 25 January 2025; and*
3. *Advertise the dates, times and locations in recommendation part 1 and 2 in the Nannup Telegraph, on Council’s website, on Council’s Public Notice Boards and on the Shire’s Facebook page.”*

COMMENT:

Regulation 12 of the *Local Government (Administration) Regulations 1996* requires that the dates, times and place where the Ordinary Council Meetings are to be held must be published on the Local Government website by the Chief Executive Officer, before the beginning of each year in which the meetings are to be held.

The proposed meeting schedule for 2025 is based on Council’s current meeting frequency for the next 12 months, noting that pursuant to Regulations, Council is required to provide public notice of its meeting schedule for the ensuing twelve months.

Proposed Ordinary Council meeting schedule for 2025

DATE	LOCATION	TIME
Thursday 23 January	Nannup, Council Chambers	4.30 pm
Thursday 27 February	Nannup, Council Chambers	4.30 pm
Thursday 27 March	Nannup, Council Chambers	4.30 pm
Thursday 24 April	Darradup Fire Brigade Shed	4.30 pm
Thursday 22 May	Nannup, Council Chambers	4.30 pm
Thursday 26 June	Nannup, Council Chambers	4.30 pm
Thursday 24 July	Nannup, Council Chambers	4.30 pm
Thursday 28 August	Nannup, Council Chambers	4.30 pm
Thursday 25 September	Scott River/ Lake Jasper Fire Brigade Shed	4.30 pm
Thursday 23 October	Nannup, Council Chambers	4.30 pm
Thursday 27 November	Nannup, Council Chambers	4.30 pm

STATUTORY ENVIRONMENT:

The following legislation relates to Council meeting dates:

Local Government Act 1995

5.3 Ordinary and Special Council meetings

- 1) A Council is to hold ordinary meetings and may hold special meetings.
- 2) Ordinary meetings are to be held not more than 3 months apart
- 3) If a Council fails to meet its required by subsection (2) the Chief Executive Officer is to notify the Minister of that failure.

5.4 Calling Council meeting

An ordinary of special meeting of a Council is to be held -

- a) If called for be either-
 - i) The Mayor of President; or
 - ii) At least 1/3 of the Councillors,
In a notice to the Chief Executive Officer setting out the date and purpose of the prosed meeting
- b) If so decided by the Council.

Section 12(1) of the *Local Government (Administration) Regulations 1996* relates to a local Government's requirement to give local public notice of the dates and the time and place at which the Ordinary Council meetings are to be held in the next twelve months.

Pursuant to Section 5.5 OF THE Local Government Act 1195; Convening Council MEETINGS, THE Chief Executive Officer is to provide each elected member an Agenda at least seventy two (72) hours prior to the meeting.

POLICY IMPLICATIONS:

ADM 10 – Councillor Fees and Reimbursements.

FINANCIAL IMPLICATIONS:

Cost of advertising in Nannup Telegraph.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017 – 2027 – Our Council Leadership – Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

VOTING REQUIREMENT:

Simple majority.

OFFICER RECOMMENDATION:

With respect to the Ordinary Meetings of Council to be held in 2025, Council;

1. Retain a 4.30pm commencement time for all Ordinary Council meetings in 2025; and
2. Endorse the proposed dates and locations as shown in the Officer Report, with the first meeting commencing on Thursday 23 January 2025; and
3. Advertise a public notice of the schedule of dates, times, and venues for 2025 for the Ordinary Councils and Committee meetings, in accordance with the Local Government (Administration) Regulations 1996 (r.12(1)).

AGENDA NUMBER & SUBJECT:	11.7 – New Representative of the Warren and Blackwood Alliance of Councils – Climate Alliance Reference Group
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ASS133
AUTHOR:	Lisa Atkinson – Executive Support Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	4 November 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	Nil

BACKGROUND:

The Shire President, Cr Anthony (Tony) Dean has stood down as chair of the Warren Blackwood Alliance of Councils – Climate Alliance Reference Group (CARG). This has resulted in one vacancy on the CARG.

As the Shire President has stood down this has resulted in one vacancy on the CARG. The purpose of this item is to allow Council to endorse Cr Sly as the second representative on CARG, alongside Cr Hansen who is the current representative.

COMMENT:

The Warren Blackwood Alliance of Councils (WBAC) is a voluntary group of Council meeting to discuss and work together collaboratively on regional priorities and initiatives. The member local governments are the Shire of Nannup, Donnybrook-Balingup, Bridgetown-Greenbushes, Boyup Brook and Manjimup.

The Alliance Constitution, Clause 11.2, relating to Composition of the Board, states the following: 11.2 Composition of Board

- (a) The management and control of the Alliance and its affairs and property shall be vested in the Board of persons comprised of:
 - (i) Two nominated delegates from each of the participating Warren Blackwood Municipalities,
- (b) Each Municipal Member may nominate a permanent deputy to their Board delegate. In addition, the Chief Executive Officer shall act as deputy if the permanent deputy is not in attendance at a Board Meeting.
- (c) The Shire President is automatically nominated by Council as one of its representatives of the Warren Blackwood Alliance of Councils with an additional Councillor to be appointed. Clause 11.2 of the Alliance Constitution indicates that Council may nominate a Deputy to attend meetings in the absence of the appointed representatives. The Chief Executive Officer can also act as the Deputy capacity.

CLIMATE ALLIANCE REFERENCE GROUP (CARG)

The CARG was formed under the WBAC with its purpose to share and collaborate on climate change and biodiversity knowledge and initiatives across the Warren Blackwood membership region.

Cr Hansen is the current representative on this group. It's proposed that Council endorse Cr Sly as the second representative on CARG

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and advise that no risks have been identified.

STRATEGIC IMPLICATIONS:

Shire of Nannup Strategic Community Plan
Our Shire - 6.3 Lead, Listen, Advocate, Represent and Provide

VOTING REQUIREMENT:

Simple majority.

OFFICER RECOMMENDATION:

That Council endorses Cr Sly being appointed as the new representative on the Warren and Blackwood Alliance of Councils Climate Alliance Reference Group.

AGENDA NUMBER & SUBJECT:	11.8– 2024/25 Differential Rates Concession Application
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Various
FILE REFERENCE:	A573 and A1799
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 November 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.8.1 – A573 Concession Application 11.8.2 – A1799 Concession Application

BACKGROUND:

The differential rating system allows local governments to set varying rates for different property categories, promoting equity in the distribution of rates revenue.

Historically, concessions have been provided to eligible applicants of “Plantation Properties” and “GRV Short-Term Properties” who demonstrate percentage of non-plantation use or shared use of the property, respectively. The parameters for these concessions reviewed and adopted annually as part of the budget process.

For the 2024/25 financial year, while the budget was adopted, the associated parameters and thresholds for ratepayer concessions were not formally established. This has created the need for Council to approve the granting of any concession in accordance with Sec. 6.47 of the Local Government Act 1995 on a case-by-case basis.

Following guidance provided by Council at a recent Concept Forum, it is proposed that the same parameters and thresholds used in the previous year (2023/24) be applied to ensure consistency and fairness. The goal is to provide clarity for ratepayers, uphold Council's commitment to supporting eligible applicants, and ensure the process aligns with past practices, even in the absence of pre-adopted parameters.

2023/24 Parameters were as follows:

UV Plantation Concession Requirements: All applications must be submitted with a signed and witnessed Statutory Declaration and an accompanying map clearly indicating the arable land areas on your property (excludes bush and undeveloped land) is not used for plantation as per below:

- 1% concession for properties with 25%-50% arable land is not used for plantation
- 2.5% concession for properties with 50%-75% arable land is not used for plantation
- 4% concession for properties with 75%+ arable land is not used for plantation

GRV Short Term Concession Requirements: All applications must be put forward as a Signed and Witnessed Statutory Declaration stating the property is also your primary place of residence as at 1 July of that rating year.

- 3% concession

COMMENT:

The absence of adopted concession parameters for the 2024/25 financial year requires Council to approve the granting of any concession in accordance with Sec. 6.47 of the Local Government Act 1995.

Applying prior parameters ensures fairness, avoids delays, and minimizes administrative effort.

This ensures timely support for eligible ratepayers and provides consistency with established practices. A full review of the concession guidelines can be scheduled as part of future budget preparations to address any longer-term adjustments, if any.

The adopted 2024/2025 Annual Budget has a provision for such concessions in the amount of \$1,575. Approving the two (2) applications (\$240.80) as presented will still leave an amount of \$1,334.20 should further requests for concessions be sought.

STATUTORY ENVIRONMENT:

Local Government Act 1995, Section 6.47

“Concessions

Subject to the Rates and Charges (Rebates and Deferments) Act 1992, a local government may at the time of imposing a rate or service charge or at a later date resolve to waive a rate or service charge or resolve to grant other concessions in relation to a rate or service charge.*

** Absolute majority required.”*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The adopted 2024/2025 Annual Budget has a provision for such concessions in the amount of \$1,575. Approving the two (2) applications as presented will still leave an amount of \$1,334.20 should further requests for concessions be sought.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and concludes that no risks have been identified given that the adopted 2024/2025 Annual Budget has a provision for such concessions in the amount of \$1,575.

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council, in accordance with Section 6.47 of the Local Government Act 1995, grant the following Rate Concessions:

- 1. Assessment A573, 384 Gold Gully Road a Rate Concession of \$116.13; and*
- 2. Assessment A1799, 62 Hayes Road a Rate concession of \$124.68.*

AGENDA NUMBER & SUBJECT:	11.9– Payment of Accounts – October 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 Manger Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 November 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.9.1 – Payment of Accounts – October 2024

BACKGROUND:

To advise Council of payments made for the period 1 October to 31 October 2024.

COMMENT:

Payments of \$699,033.65 as detailed in the payment of accounts listing for the period 1 October to 31 October 2024 as per Attachment 11.9.1 have been approved under delegated authority.

Municipal Account

Accounts paid by EFT	17672 - 17793	\$594,206.97
Accounts paid by cheque	NIL	\$0.00
Accounts paid by Direct Debit	13552.1 – 13635.20	\$104,826.68
<i>Sub Total Municipal Account</i>		<u>\$699,033.65</u>

Trust Account

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
Total Payments		<u><u>\$699,033.65</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.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and concludes by Council receiving these reports of payment of accounts, that no risks have been identified.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Council notes the payment of accounts totalling \$699,033.65 for the period 1 October 2024 to 31 October 2024 as per Attachment 11.9.1 .

AGENDA NUMBER & SUBJECT:	11.10– Financial Activity Statement – October 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Executive Manger Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 November 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.10.1 – Financial Activity Statement – October 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.

As the process of finalising the 2023/24 financial year is still underway at the time of writing this report, figures shown in the attached statements are subject to change until the 2023/24 Annual Financial Statements are completed and audited.

COMMENT:

The Financial Statements for the period ending 31 October 2024 present the financial performance of the Shire for the 2024/25 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 11.10.1.

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.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and concludes by Council receiving these Statements of Financial Position, that no risks have been identified.

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 Statement for the period ending 31 October 2024 as per Attachment 11.10.1.

AGENDA NUMBER & SUBJECT:	11.11 Waterwise Council Program
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	ASSI 32
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	22 November 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.11.1 – Waterwise Council Program LGA Briefing Note 11.11.2 – Draft Memorandum of Understanding

BACKGROUND:

The Waterwise Council Program began in 2009 through a joint partnership between Water Corporation and the Department of Water and Environmental Regulation. The program builds a cooperative relationship with local governments to improve water efficiency, climate resilience and create liveable communities.

There are three levels of achievement within the Waterwise Council Program including Endorsed, Gold and Platinum Waterwise Council of the Year.

Benefits of being a Waterwise Council

As a Waterwise Council, local governments have access to:

- Co-funding of up to \$10,000 each year as part of the Waterwise Greening Scheme
- Free online waterwise training for staff members
- Workshops, networking and industry events
- Water use data and key industry contacts
- Promotional and educational materials for your community and staff
- Data loggers to assist with leak detection

COMMENT:

How to Become a Waterwise Council

Waterwise Councils can join a community of other local governments striving for better water management. To be a part of the Waterwise Council Program, local governments must sign a Memorandum of Understanding (MoU) and create a Waterwise Council Action Plan (WCAP). To retain Waterwise Council endorsement, a report needs to be completed annually. Steps include:

Step 1 – Council commitment

- Nominate a program champion or team
- Sign a Memorandum of Understanding and email it to wepartnerships@watercorporation.com.au

Step 2 – Create an action plan

- Create a Waterwise Council Action Plan (WCAP) to track water use, set waterwise goals and opportunities for your council facilities and within your community to improve water management.

Step 3 – Complete free waterwise training

- Encourage your team members to complete our free waterwise training modules, which includes helpful topics such as landscaping and irrigation, water auditing and cooling towers.

Step 4 – Be a waterwise leader

- Our water is precious so make sure your council leads by example by sticking to your watering days and following water restrictions such as the winter sprinkler ban.
- Water Corporation and the Department of Water and Environmental Regulation and Water Corporation will verify each council has received no license or water use breaches as part of the ongoing endorsement assessment process.

Step 5 - Apply for a recognition award (optional)

- The Waterwise Recognition Awards celebrates councils who have done valuable work in creating waterwise communities and is part of your Waterwise Council reporting process. If you're newly Endorsed into the program, have achieved Gold Endorsement or, have applied to be Platinum Waterwise Council of the year, you will be invited to the recognition awards event.

Level 1 - Becoming an Endorsed Waterwise Council

Endorsement requirements

After the MoU is signed and the local government submits its first WCAP, to retain Waterwise Council endorsement, an annual report must be completed each year (~ end of October). The report for your annual re-endorsement requires:

- Updates on corporate and community water use (scheme/groundwater/alternative)
- Updates on groundwater allocation and licences as reported to the Department of Water and Environmental Regulation (where applicable)
- Updates on WCAP goals/actions
- No breaches of scheme or groundwater watering throughout the reporting year
- Ability to apply for recognition (optional)

Level 2 - Becoming a Gold Waterwise Council

In addition to the annual re-endorsement reporting requirements LGA's can be endorsed as a Gold Waterwise Council by demonstrating initiatives that meet minimum criteria across the seven Water Sensitive City (WSC) Index goal areas. This recognises the efforts of councils to create sustainable and liveable communities contributing to a more balanced water cycle, rather than focussing on just water savings. Applying for Gold is undertaken at the time of submitting the annual Waterwise Action Plan/Report

For Gold Endorsement, the following actions must be completed:

1. Have all Aquatic Centres endorsed as a Waterwise Aquatic Centre
2. Have a Waterwise Verge Policy or Guideline in line with Water Corporation's Waterwise Verge Best Practice Guidelines
3. Have an established cross-functional Water Management Team
4. Set 10 Gold standard waterwise actions (including 5 mandatory actions already provided) in your WCAP across the seven WSC goal areas, which must include at least one action in each of the following goal areas:
 - Ensure quality urban space
 - Improve ecological health
 - Increase community capital

Level 3 - Becoming Platinum Waterwise Council of the Year (optional)

Once a year, Gold Waterwise Councils can apply to be recognised as Platinum Waterwise Council of the Year where extraordinary waterwise leadership has been demonstrated with a long-term impact on the community. Applying for Platinum recognition is undertaken at the time of submitting the annual Waterwise Council re-endorsement report by completing an additional application form, and shortlisted councils are invited to the annual Waterwise Recognition event hosted by the Minister for Water.

Platinum Council of the year also receives a trophy of acknowledgement, up to \$20,000 in co-funding under the Waterwise Greening Scheme, promotion as a leader in water efficiency in publications, social media, forums, and other mediums and, Waterwise Platinum branding to promote water saving achievements which can be used on your website, publications, marketing materials and email signatures.

For Platinum Endorsement, eligible Gold Waterwise Councils must provide the following:

- A Waterwise Council Action Plan and/or Annual Re-endorsement report.
- Provide updates on all Waterwise Gold actions.

And the following in the additional application form:

- Write a 500-word justification about why your local government should be recognised as the Platinum Waterwise Council of the Year.
- Provide your top 3 new actions from the year that goes above and beyond 'business as usual' and demonstrates innovation and contribution to creating waterwise communities.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

This is in alignment with the Sustainability Committee initiatives and the Warre Blackwood Alliance Climate Alliance Reference Group.,

FINANCIAL IMPLICATIONS:

Signing the MoU provides access to support funding.

RISK MANAGEMENT MATRIX:

The Shire, through its adopted Risk Management Framework, has identified a number of risk areas that need to be assessed and where necessary treated, like, but not limited to:

Audit risks	Financial and credit risks
Operational risks	Technological and IT risks
Compliance and regulatory risks	Environmental risks
Legal risks	Strategic risks
Political risks	Sustainability and security risks

Officers have undertaken a Risk Assessment with respect to the item before Council and concludes by Council needs to consider the following while receiving this report –

Reputational Risk – not becoming a Waterwise Council may impact the Council's reputation when considering the community's importance on environment.

Sustainability Risk – becoming a Waterwise Council helps the Shire access funding opportunities that provide operational savings.

STRATEGIC IMPLICATIONS:

Shire of Nannup Strategic Community Plan 2021 – 2036

Our Natural Environment

4.3 Our Sustainable Future

Promote initiatives and programs to support the community to reduce our impact on the environment

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council authorise the Chief Executive Officer to sign the attached Memorandum of Understanding (MoU) and endorse Cr Hansen as the Program Champion in conjunction with the Sustainability and Environmental Officer.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil.

13. MEETING MAY BE CLOSED:

Nil.

14. CLOSURE OF MEETING:

Attachments

Item	Attachment	Title
5.1	1	Warren Blackwood Alliance of Councils – Climate Alliance Reference Group Meeting – 11 October 2024
5.2	1	Shire of Nannup Ordinary Council Meeting – 24 October 2024
5.3	1	Local Emergency Management Committee Meeting – 6 November 2024
5.4	1	Bush Fire Advisory Committee Meeting – 11 November 2024
11.1.1	1	Planning Approval Register
11.2.1	1	Draft Local Heritage Survey
11.2.2	1	Request for revocation of Place 45 Linden
11.2.3	1	Request for name change of Place 82. Templemore to Stopping Place
11.2.4	1	Nomination Request Nannup Hardware
11.2.5	1	Update of Historical Information #48 McMahon's Cottage
11.2.6	1	Proposed Place of Nannup Hardware
11.2.7	1	LPP 13 Heritage Conservation
11.2.8	1	Shire of Nannup Local Heritage List
11.3.1	1	Location Map
11.3.2	1	Original Information from applicant
11.3.3	1	Submissions
11.3.4	1	Response from the applicant and management plan
11.3.5	1	Extract from the planning and Development (Local Planning Scheme) Regulations
11.4.1	1	Documentation from applicant
11.4.2	1	Location Map
11.4.3	1	Submissions
11.4.4	1	Schedule of Submissions
11.4.5	1	Response from Applicant
11.5.1	1	Proposed Shire of Nannup Delegations of Authority with tracked changes
11.5.2	1	Current Planning, Building and Health Delegations of Authority
11.5.3	1	Proposed Shire of Nannup Delegations of Authority Final Version
11.8.1	1	A573 – Concession Application
11.8.2	1	A1799 – Concession Application
11.9.1	1	Payment of Accounts – October 2024
11.10.1	1	Financial Activity Statement – October 2024
11.11.1	1	Waterwise Council Program
11.11.2	1	Waterwise Council Memorandum of Understanding Template