



Shire of
Nannup
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Agenda

Council Meeting to be held
on Thursday 23 March 2017
Commencing at 4.15pm

Agenda

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
(previously approved)
3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

The following questions were taken on notice at the Ordinary Council meeting of 23 February 2017. Mrs Hansman was provided with a written response from the CEO on 28 February 2017. The response from the Shire is recorded accordingly:-

Question

I am particularly concerned regarding recent fires on private land that is owned by absentee land owners and the fact that local volunteers attending these incidents are protecting this land without any support by the absentee land holder. Is there anything that Council can do in regards to absentee land owners, for example, requesting a financial contribution be paid to their Bush Fire Brigade or can the Shire of Nannup impose an annual levy to support the volunteer Brigades?

Response to Question

Further investigations have revealed that Council is unable to impose a separate levy on absentee land holders. This was tested a number of years ago when a country Local Government Authority endeavoured to apply a similar type of levy and it was dismissed by the State Government of the day.

As I mentioned at the Council meeting, absentee land holders pay rates, which includes the Emergency Services Levy (ESL) charge, and this ensures that they contribute to the overall costs associated with the supply of equipment to our Volunteer Fire Brigades. I realise that this does not address totally your question but one could argue that there are resident land holders that do not participate in Brigade activities or attend bush fires when they occur.

With regards to the ESL, that Shire of Nannup collects in the vicinity of \$80,000 annually from its rate payers and yet receives approximately \$100,000 from the Department of Fire and Emergency Services (DFES) in its annual ESL grant. Therefore the Shire of Nannup fares extremely

well from the ESL grant with these monies going to new fire appliances, new fire stations, training and equipment for volunteers and ongoing costs for the local Brigades.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

Cr Longmore has applied in writing for Leave of Absence to be granted for the 22 June 2017 Ordinary meeting of Council.

Cr Longmore has advised that he will be absent from Council duties from 30 May until 28 June 2017.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

7. DECLARATIONS OF INTEREST

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

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

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 23 February 2017 be confirmed as a true and correct record.

9. MINUTES OF COUNCIL COMMITTEES

9.1 Local Emergency Management Advisory Committee (LEMAC)

That the Minutes of the Shire of Nannup LEMAC meeting held on 1 February 2017 be adopted.

9.2 Bush Fire Advisory Committee (BFAC)

That the Minutes of the shire of Nannup BFAC meeting held on 6 February 2017 be adopted.

9.3 Business Initiative Group Nannup (BIGN)

That the Minutes of the BIGN meetings held on 16 February 2017 and 9 March 2017 be received.

9.4 WALGA South West Zone

That the Minutes of the WALGA South West Zone meeting held on 24 February 2017 be received.

9.5 Risk Management Advisory Committee

That the Minutes of the Risk Management Advisory Committee meeting held on Tuesday, 28 February 2017 be adopted.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

12. REPORTS OF OFFICERS

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

13.1 OFFICERS

13.2 ELECTED MEMBERS

14. MEETING CLOSED TO THE PUBLIC
(Confidential Items)

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

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DEPARTMENT

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE
PUBLIC**

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

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

17. CLOSURE OF MEETING

CEO DEPARTMENT

AGENDA NUMBER:	12.1
SUBJECT:	Annual Performance Appraisal – Chief Executive Officer
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Peter Clarke
FILE REFERENCE:	Personal File
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2017

BACKGROUND:

In accordance with Section 5.38 of the *Local Government Act 1995* and the Chief Executive Officer's Contract of Employment, it is a requirement for Council to undertake an annual Performance Appraisal.

The CEO completed the second year of his 3 year Contract of Employment on Friday, 3 March 2017.

COMMENT:

At the February 2017 Ordinary Meeting Council resolved the following:-

17022 LONGMORE/FRASER

That Council conducts an annual review of the CEO's performance in accordance with Section 5.38 of the Local Government Act 1995 and Clause 4 of the CEO's Contract of Employment and for this to be undertaken prior to the March 2017 Ordinary Meeting to allow an appropriate Report to be presented to Council on the Review process.

CARRIED (7/0)

Council had scheduled the Review to be conducted at 1.00pm on 23 March 2017 prior to the Council meeting.

The CEO had prepared a report to Council in accordance with Clause 4.1 of the Contract which addressed the Performance Criteria as outlined in the Contract of Employment and this was forwarded to Councillors on 13 March 2017 for their perusal.

As per the CEO's Report to the February 2017 Ordinary meeting,

4.4 Procedure

A performance review conducted under this Clause 4 shall take the format of the following procedure:

- (a) as soon as practicable after receipt of notice pursuant to Clause 4.2, the Officer will prepare a report assessing the Officer's own performance of the Officer's obligations under this document measured against the Performance Criteria;
- (b) the Officer will present his report to the Council, and be available for interview;
- (c) ***within one month of the conclusion of the performance review the Council shall prepare a report, in consultation with the Officer, to be signed by both the Council and the Officer, with such a report to include:***
 - (i) ***any conclusions about the Officer's performance during the period the subject of the performance review;***
 - (ii) ***any proposal by either party to vary the Performance Criteria as a consequence of the performance review and any comments by the Officer on any such proposal;***
 - (iii) ***any directions or recommendation made to the Officer in relation to future performance by the Officer of the Officer's obligations under this document; and***
 - (iv) ***details of the extent, if any, to which the Officer disagrees with any statement in the report.***

STATUTORY ENVIRONMENT:

Section 5.38 of the *Local Government Act 1995* relating to annual reviews of certain employees' performances states the following:-

The performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council authorises the Shire President to prepare a report for signing by both the Shire President and CEO based on the outcomes of the Review process undertaken by Council on 23 March 2017 and being in accordance with Clause 4.4 of the CEO's Contract of Employment.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.2
SUBJECT:	Call for Motions – 2017 National General Assembly of Local Government
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Australian Local Government Association
FILE REFERENCE:	FNC 6
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2017

BACKGROUND:

Mayor David O’Loughlin, President of the Australian Local Government Association (ALGA), writes to advise that the 2017 National General Assembly (NGA) of Local Government to be held at the National Convention Centre in Canberra between 18 and 21 June is an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues.

Mayor O’Loughlin advises that every council has the opportunity to raise relevant issues for debate at the NGA and has invited Council to participate in the 2017 NGA by submitting a motion/s for consideration.

COMMENT:

To be eligible for inclusion in the NGA Business Papers, motions must follow the principles set out by the ALGA Board, namely

1. Be relevant to the work of local government nationally;
2. Be consistent with the theme of the NGA;
3. Complement or build on the policy objectives of the state and territory local government associations;
4. Be from a council which is a financial member of their state or territory local government association;
5. Propose a clear action and outcome; and
6. Not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, the local government sector.

Motions are required to be submitted no later than **Friday, 21 April 2017**.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Provide a Stable, Consistent and honest Government

RECOMMENDATION:

That Council notes ALGA's call for Motions for consideration at the 2017 National General Assembly of Local Government in June 2017 and that should Council wish to submit same, it notes the deadline for motions to be submitted by 21 April 2017.

VOTING REQUIREMENTS: Simple Majority.

AGENDA NUMBER:	12.3
SUBJECT:	Feral Pig Eradication
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Lower Blackwood Vertebrate Pest Management Group (LBVPMG)
FILE REFERENCE:	HLT 12
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 March 2017

BACKGROUND:

Mr Peter Dickens, Chairman of the (LBVPMG), writes on behalf of the Group to formally request financial assistance from Council in its 2017/2018 Budget to help deliver on ground eradication of feral pigs in the Nannup Shire. Mr Dickens thanks Council for the funding it provided to the Group for last year's programme which greatly assisted them in meeting their obligations but also advocates the Shire of provide additional financial assistance for the Group whenever it has the opportunity to do so.

Mr Dickens advises the feral pig problem is widespread in the Nannup community with reports of pigs on the School oval, Foreshore Park, Archdall Park, Folly plantation, rural small holdings, Gingilup Swamp Reserve, D'Entrecasteaux National Park, farmlands and other reserves. Mr Dickens advises that the group also have continual phone calls from residents abutting the town, in smaller rural holdings and farmers to come and dispatch pigs.

Mr Dickens advises that the 3 Field Officers dispatched 400 pigs in 2016 and another 60 were known to have been dispatched by farmers. The Field Officers also work on DPaW lands to help protect biodiversity and are at present negotiating with Water Corporation to have access to their lands as well. On one diary, 75 pigs were trapped with an economic loss to the farmer of at least b5 tonnes of grain on which the pigs were feeding. Mr Dickens advises that it is a huge task and if the LBVPMG cannot get assistance from the Shire, the whole programme may fall through.

Mr Dickens advises that the key objectives of the Group are:-

- To prevent damage to threatened biodiversity in the Lower Blackwood District;
- To protect the residents from potential disease outbreaks spread by pigs;
- To prevent pig damage on rural properties;

- To prevent damage to agricultural properties; and
- To protect drinking water sources.

Mr Dickens indicates that the Lower Blackwood Land Conservation District are providing assistance by being the banker and providing some administration for the Group. The current Committee consists of the following members:-

- Peter Dickens, Chairman
- Barbara Dunnet, Secretary,
- Clare Forward, DPaW
- Jason Dearle, DAFWA
- 4 Field Officers; and
- A number of land owners.

COMMENT:

In developing the 2017/2018 Draft Budget for Council consideration, staff have listed for consideration a similar contribution to the LBVPMG to that which was afforded to the Group in the 2016/2017 financial year.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS:

2017/2018 Budget considerations.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Natural Environment - Strategy 4.1 – Protect our Range of Natural Assets.

RECOMMENDATION

That Council advises the Lower Blackwood Vertebrate Pest Management Group that it will again give due consideration in its 2017/2018 Budget deliberations in providing financial assistance to meet the Group's obligations towards the eradication programme of feral pigs in the Shire of Nannup.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.4
SUBJECT:	Submission to the 2017-2018 Federal Budget
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Australian Local Government Association (ALGA)
FILE REFERENCE:	DEP 14
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 March 2017

BACKGROUND:

The President of ALGA, Mayor David O’Loughlin, has written to Council to advise that in January 2107 ALGA provided its submission to the Commonwealth Government to assist in the development of the 2017-2018 Federal Budget. Mayor O’Loughlin has now provided a copy of the submission to inform Council of the key strategic priorities in which ALGSA is urging the Commonwealth to invest – priorities which reflect the aspirations of the Shire of Nannup and its State local government association.

Mayor O’Loughlin advises that the submission is titled *Investment in Tomorrow’s Communities* and the recommendations contained within are designed to support our councils and communities to grow and develop into the future. ALGA’s number one priority is to ensure that the Government keeps its commitment to restore indexation to Financial Assistance Grants (FAGs) in the 2017-2018 Federal Budget. This is an issue that impacts on every council in the nation.

Mayor O’Loughlin advises that by the Government’s own estimates, the 2014-2015 freeze on indexation to FAGs will see councils miss out on around \$925M in funding over the four years to 30 June 2018. This is funding that councils such as the Shire of Nannup could have used to maintain local community infrastructure and fund crucial community services. Although the 2016-2017 Federal Budget indicated that the Government intends to restore indexation in the coming financial year, there are no guarantees and neither the local government sector, nor the Shire of Nannup, should take this outcome for granted.

COMMENT:

Whilst Mayor O’Loughlin and the ALGA team are lobbying at the Federal level on Council’s behalf, he urges local governments to give the campaign a local

flavour by meeting with or contacting their local Federal Parliamentary representative(s) to explain the impact the freeze has had on its community, and how much more Council will be able to do if the freeze is ended in this year's Federal Budget.

ALGA's submission to the Australian Government's 2017-2018 Budget is available should Councillors wish to peruse the document.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
- Strategy 6.1 Provide a Stable, Consistent and honest Government

RECOMMENDATION:

That Council writes to its Federal Parliamentary representative, Ms Nola Marino MP, urging her to support the Australian Local Government Association's submission to the 2017-2018 Budget, in particular the reintroduction of indexation to the Financial Assistance Grants as the freeze on indexation has had significant financial implications to the Shire of Nannup.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.5
SUBJECT:	Ministerial Recognition of Blackwood Biosecurity Inc.
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Blackwood Biosecurity Inc.
FILE REFERENCE:	
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 March 2017
ATTACHMENT:	12.5.1 – Ministerial Recognition of Blackwood Biosecurity Inc

BACKGROUND:

Ms Shelia Howat, Executive Officer/Project Officer of Blackwood Biosecurity Inc., writes to advise that in February 2017 Blackwood Biosecurity was recognised by the Minister for Agriculture as the RBG for the Shires of Boyup Brook, Bridgetown-Greenbushes, Nannup and Donnybrook-Balingup south (being localities of Balingup, Mullalyup, Grimwade, Southampton and Wilga West).

Ms Howat advises that in July 2016 Blackwood Biosecurity along with Leschenault and Warren Biosecurity Groups wrote a letter of no confidence to the Premier, fundamentally stating that *while we supported a shared community responsibility and involvement in managing biosecurity locally, we had little faith in:*

The integrity of the implementation process; DAFWA'S resources to complete its obligations; the application of the designated funding model in our region and the credibility of technical input into the current review of Declared Organisms.

Ms Howat advises that since then Blackwood Biosecurity has gained many concessions and helped to prevent Narrow Leaf Cotton bush being removed from the Declared list. DAFWA have now appointed a Compliance Officer to assist the Biosecurity Groups of the South West in enforcing Cotton bush controls. Ms Howat also advises that the group has sufficient funds for this financial year and beyond for some projects and have been promised further establishment funding. Blackwood Biosecurity will also continue to engage with DAFWA in regard to a suitable long-term funding model for this region.

Ms Howat advises that Blackwood Biosecurity's initial focus has been on 5 weeds: *Cotton Bush, Blackberry, Cleavers, Paterson's Curse and Bridal Creeper* and 4 pest animals: *Wild Rabbit, Feral Pig, Fox, and Feral Cat*. They have also

been working with other Government Agencies to assist with declared pests on their estates to compliment work by private landholders.

Blackwood Biosecurity's feral pig field operators also offer assistance to private landholders and the group has met with Barbara Dunnett and Peter Dickens of the Lower Blackwood Vertebrate Pest Management Group and will support their activities wherever they can.

Ms Howat advises that Blackwood Biosecurity is the first RBG to be recognised in the South West and they are very much aware of our responsibilities as trailblazers.

COMMENT:

The Blackwood Biosecurity group has thanked Council for its support in providing them with the list of Absentee Landlords within the Shire of Nannup which enabled them to mail information to all absentee landlords in the Shires of Boyup Brook, Bridgetown-Greenbushes and Nannup.

The Blackwood Biosecurity group has reported that responses have been considerable, with phone calls and emails seeking plant and animal pest controls and informing them of individual landholder's pest concerns. Ms Howat did advise that since Blackwood Biosecurity's inception in 2015, they have had a lot of contact from Nannup ratepayers, attending workshops and reporting pest concerns.

Blackwood Biosecurity would welcome Nannup Shire representation on their committee, and would like to meet with Council to discuss the Shire's declared plant and animal pest priorities.

STATUTORY ENVIRONMENT: Nil

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Natural Environment - Strategy 4.1 – Protect our Range of Natural Assets.

RECOMMENDATION:

That Council acknowledges Ministerial recognition of Blackwood Biosecurity Inc., and as a show of support, considers nominating a Council representative on this Group to ensure dissemination of information to Council and landholders on declared pests and weeds is maintained.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.6
SUBJECT:	Rehabilitation of Public Transport Authority Lease Land
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Friends of Nannup Foreshore Group
FILE REFERENCE:	REC 1
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	15 March 2017
ATTACHMENT:	12.6.1 – Plan of Proposed Rehabilitation Area – Public Transport Authority Leased land.

BACKGROUND:

Mr and Mrs Tanner write to Council on behalf of the Friends of Nannup Foreshore Group seeking Council support and approval to undertake rehabilitation works on a section of the Shire leased Public Transport Authority land adjacent to the Foreshore Park car parking area.

Mr and Mrs Tanner advise that the proposal is to hire a bobcat with operator to clean up the site as indicated on the attached plan by scaping out and removal of fallen dead tree branches, rubbish, weeds and kikuyu grass. This clean-up will also reduce the fire hazard and improve the visual aspect of the reserve.

Mr and Mrs Tanner indicate that there would be no expense to the Shire as all costs to carry out this work would be borne by the Friends of Nannup Foreshore Group.

COMMENT:

The CEO met with Mr and Mrs Tanner regarding the proposed works and indicated that whilst Council would be fully supportive of the project, it was suggested formal approval would be advantageous due to the lands leased nature.

The Lease, which covers the period 1 June 2014 – 1 June 2024 states the following in respect to the Licensee’s obligations:-

- Keep and maintained the Licensed area in good condition and repair at all times;
- Ensure that the Licensed area is kept in a safe condition at all times;

- Comply with all laws relating to the Licensed area and anything which is done on the Licensed area; and
- Comply with all requirements and orders of any Authority to the Licensed area.

It is considered that the proposed rehabilitation works meets the above objectives of the Lease requirements.

The Friends of Nannup Foreshore Group have advised that part of the rehabilitation works will be the continuation of their native planting program.

STATUTORY ENVIRONMENT:

Public Transport Authority Licence Plan L4241 Nannup.

POLICY IMPLICATIONS: Nil

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council advises the Friends of Nannup Foreshore Group that it fully supports the proposed rehabilitation works to the area of the Public Transport Authority Leased land as indicated in their application for approval.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.7
SUBJECT:	Advertising Signs – Nannup Hotel
LOCATION/ADDRESS:	Lots 3 & 4 (12) Warren Road, Nannup
NAME OF APPLICANT:	Christine Merritt
FILE REFERENCE:	A441
AUTHOR:	Jane Buckland - Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	8 March 2017
PREVIOUS MEETING REFERENCE	23 February 2017
ATTACHMENTS:	12.7.1 – Initial information from applicant 12.7.2 – Location map 12.7.3 – Submissions 12.7.4 – Revised design from applicant 12.7.5 – Extract of Local Planning Policy No 18 Signs and Advertisements 12.7.6 – Extract of Local Planning Policy No 08 Nannup Main Street Heritage Precinct

BACKGROUND:

The applicant has lodged a Development Application seeking permanent approval for four advertising signs to be installed on the upper verandah at the Nannup Hotel at Lots 3 & 4 (12) Warren Road, Nannup.

Details originally submitted by the applicant are provided in Attachment 12.7.1. The applicant originally proposed four 2000mm high x 800mm wide permanent banner signs to be installed perpendicular to the upper verandah in the locations shown in Attachment 12.7.2. The signs were to advertise the amenities of the Nannup Hotel with slight differences between the summer and winter banners. All signs featured pictures associated with the wording of the signs.

The signs are not proposed to be illuminated.

The Nannup Hotel is located in the Nannup Main Street Heritage Precinct and is listed on the Shire of Nannup Heritage List both as part of the Precinct and individually.

The Shire administration invited public comment on the Development Application by writing to 19 adjoining/nearby landowners (all landowners adjoining or facing

the Nannup Hotel), 1 additional stakeholder (B.I.G N), placing details on the Shire website and at the Shire office. The Shire consulted extensively, especially compared to most other Planning Applications for signs, given the building's highly prominent location in the town centre and its Heritage Listing.

The Shire received 6 submissions on the Development Application which are outlined in Attachment 12.7.3. Two submissions raised no objections while the other four raised objections for amenity/visual impact reasons. The submissions that opposed the Development Application highlighted that retaining Nannup's character is critical for tourism. In particular, the objectors set out that the proposed signs did not reflect the heritage theme of the main street and were not consistent with the colour palette as set out in LPP008.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant has in turn provided revised designs for the four 2000m x 800mm banners which are provided in Attachment 12.7.4.

Planning framework

The site is zoned "Town Centre" and is located in the Nannup Main Street Heritage Area under the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*.

Outlined below are relevant clauses from LPS3:

"1.6.1 The local government's general aim is to recognise the unique qualities and characteristics of the Scheme Area and safeguard its natural resources, whilst promoting sustainable development through diversified residential, commercial, industrial, agricultural, timber, tourist and resource based activities."

"1.6.2 The local government's general intentions are –

(d) To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses.

(f) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area."

"5.8.14 Control of Advertisements

5.8.14.1 Objectives

The objectives of the provisions for the control of advertisements are –

(a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded;

- (b) to minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
- (c) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
- (d) to minimise clutter of advertising signs; and
- (e) to promote a high standard of design and presentation in outdoor advertising.

5.8.14.2 Power to Control Advertisements

- (a) For the purpose of this Scheme and subject to sub-clause 5.8.14.1, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the local government. Such planning approval is required in addition to any licence pursuant to the local government's relevant Local Law or policy.
- (b) Application for the local government's approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 9.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.8.14.4 Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, the local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent area which may be affected."

Local Planning Policy No. 18 Signs and Advertisements (LPP018) provides guidance for assessing sign applications. An extract of the policy is set out in Attachment 12.7.5.

Local Planning Policy No. 8 Nannup Main Street Heritage Precinct (LPP008) provides guidance for signs in the town centre. An extract of the policy is set out in Attachment 12.7.6.

COMMENT:

As outlined in LPP018, there is a policy presumption to not support signs that, in the opinion of Council, detract from the aesthetic qualities of an area by virtue of inappropriate size, colour, illumination and location. In addition, the Council will consider the existing number of signs placed in an area and/or on the building to ensure visual cluttering does not occur.

In the Town Centre Zone and/or Nannup Main Street Heritage Area, the following key points will also be considered:

- consistency with the “garden village” character and “working timber town” identity; and
- compatibility with existing development and the Heritage Area including being respectful of the scale, form and style.

As outlined in LPP008, there is a policy presumption to not support permanent banners in the Heritage Area. In addition, Council also requires all proposals for new development in the Heritage Area to:

- ensure through appropriate design that the strong “Garden Village” character, and “working timber town” identity/role of the town is preserved, particularly in regard to development size, form, height and scale;
- enhance the existing overall visual appearance of the Heritage Area;
- build upon the existing strong sense of community, and improve the economic viability of the town.

While not referring to signs and advertisements directly, LPP008 also states:

“As well as protecting and enhancing a building, its colour scheme can have a dramatic effect on the streetscape. A poor colour scheme can undermine architectural features and streetscape quality. This is particularly important in a small, visually cohesive town like Nannup.”

From the Shire administration’s assessment, the revised design of the signs is compatible with the character of the area. The use of a single colour, which has been chosen based on the design guidelines contained in LPP008 and is complimentary to the overall colour scheme of the hotel, enhances the overall appearance of the Heritage-Listed building and the northern entry to the town.

The colour and design of the signs also builds on the Nannup tiger theme which is featured throughout the town.

The size of the signs is considered appropriate when taking into account the scale of the building and the height at which they will be displayed.

It is highlighted that the Shire administration would have recommended refusal if the signs were proposed to be displayed in the designs as originally proposed by the applicant for visual impact reasons. The applicant's revised designs (Attachment 12.7.4) have provided sufficient justification from the Shire administration's perspective to recommend conditional approval including a temporary approval of 3 years. On this basis and following assessment against LPS3 and Council's Local Planning Policies, the Shire administration recommends that the Development Application be conditionally approved.

While noting the above, the Council is able to refuse the Development Application and could do so largely for loss of amenity and precedent reasons. As Councillors are aware, the applicant has the ability to lodge a Right of Review (previously called an "appeal") to the State Administrative Tribunal should the Council refuse the Development Application.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and LPS3

POLICY IMPLICATIONS:

Local Planning Policy 18 and 8 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.

FINANCIAL IMPLICATIONS: Nil

STRATEGIC IMPLICATIONS:

The banners assist with supporting economic development in the town centre.

RECOMMENDATION:

That Council approve the Development Application for four 2000mm x 800mm banner-style advertising signs at the Nannup Hotel located at Lots 3 & 4 (12) Warren Road, Nannup subject to the following conditions:

1. The approval for the signs is limited to 23 March 2020.
2. The approved design for the four signs is that shown in Attachment 12.7.4 and date stamped 27th February 2017.
3. The signs are to be designed with suitable colours, complementary to the heritage area, to the satisfaction of the local government. Details of the colour scheme are to be approved by the local government prior to the signs being installed.
4. No sign is to be illuminated.
5. All signs are well maintained to the satisfaction of the local government.

Advice

- A) In relation to Condition 1, a new Development Application will be required should the applicant seek to extend the approval for the signs beyond 23 March 2020.
- B) In relation to Condition 3, the applicant is to provide true colour samples to the Shire for approval prior to the installation of the signs.
- C) In relation to Condition 5, this includes promptly addressing any possible graffiti or damage to the signs.
- D) Part 14 of the *Planning and Development Act 2005* provides the right to apply to the State Administrative Tribunal for review of some planning decisions and the proponent may wish to take professional advice to determine whether or not such a right exists in the present instance. The State Administrative Tribunal Rules 2004 require that any such applications for review be lodged with the Tribunal.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.8
SUBJECT:	Development Application – Lindsay Tree Plantation
LOCATION/ADDRESS:	Lot 137 on DP246151 Lindsay Rd & Lot 86 on D99143 East Nannup Rd, East Nannup
NAME OF APPLICANT:	Forrest Products Commission
FILE REFERENCE:	A441
AUTHOR:	Jane Buckland - Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	13 March 2017
PREVIOUS MEETING REFERENCE	
ATTACHMENTS:	12.8.1 – Initial information from applicant 12.8.2 – Location map 12.8.3 – Submissions 12.8.4 – Revised plantation management plan applicant 12.8.5 – Extract from endorsed Shire of Nannup Local Planning Strategy

BACKGROUND:

The applicant, Forest Products Commission (FPC), has lodged a Development Application seeking approval for a pinus radiata tree plantation to be established on Lot 137 on Deposited Plan 246151 (Lindsay Rd) and Lot 86 on Diagram 99143 (East Nannup Rd), East Nannup.

Details originally submitted by FPC are provided in Attachment 12.8.1. The applicant proposes to develop 87 hectares on the two parcels of land for the purpose of softwood timber production on land which has previously been used for export pulpwood plantations shown in Attachment 12.8.2. The plantations are intended to be secured by FPC for a minimum of 30 years in accordance with the *Forest Products Act WA 2000* under a Timber Share Farming Agreement (profit à prendre).

The Shire administration invited public comment on the Development Application by writing to 2 adjoining landowners, 1 additional stakeholder (East Nannup Volunteer Bush Fire Brigade), placing details on the Shire website and at the Shire office.

The Shire received 4 submissions on the Development Application which are outlined in Attachment 12.8.3. One submission raised no objections while the other three raised objections for increased fire risk reasons. The submissions that opposed the Development Application highlighted that the initially submitted Fire Management Plan suggested that as the property owner is absentee, the applicant expected adjacent landowners and the local volunteer bush fire brigade to be responsible for providing fire-fighting equipment should a fire emergency situation arise. The submissions also noted that establishing a pine plantation on these two lots added additional fuel loads to the area.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant has in turn provided a revised Plantation Management Plan which is shown in Attachment 12.8.4.

This report considers only the revised Plantation Management Plan dated 17th February 2017.

Planning framework

The endorsed Shire of Nannup Local Planning Strategy generally supports farm forestry as outlined in Attachment 12.8.5. "Farm forestry" refers to any commercial tree production on privately owned farmland. The objectives of the Strategy are as follows:

"18.2 Farm Forestry – Policy Objectives

The objectives for the planning for farm forestry are to:

- Ensure that the farm forestry as provided for in a plantation management plan is carried out in accordance with the plantation management plan endorsed by Council;
- Facilitate the establishment, management and harvesting of plantations consistent with the Code of Practice for Timber Plantations in Western Australia 1997."

The Shire of Nannup draft Local Planning Strategy states the following in regards to tree plantations:

"The local government's strategy in regards to tree plantations is to:

- support the establishment of plantations and farm forestry on land zoned Rural, and consider on its merits plantations and farm forestry on land zoned Priority Agriculture; and

- require relevant planning considerations to be met including bushfire management, vermin management, identification of a suitable harvesting route and appropriate arrangements to ensure the local government roads are in a similar condition post harvesting and pre-harvesting.”

The site is zoned “Agriculture” under the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. “Plantation” is a “D” use in this zone meaning that the use is not permitted unless the local government has exercised its discretion by granting development approval.

Outlined below are relevant clauses from LPS3:

“4.2 Objectives of the Zones

- **Agriculture Zone**
To provide for the sustainable use of land for a range of rural pursuits which are compatible with the capability of the land, whilst retaining the rural character and amenity of land within the zone.”

“4.13.1.2 Agriculture Zone

4.13.1.1 Specific Objectives of the Zone

- (a) To preserve the rural character and setting of the zone, particularly along transport corridors;
- (b) To promote a range of rural pursuits which are compatible with the capability of the land to sustain those pursuits;
- (c) To conserve the productive potential of agricultural land and support the continued development of extensive farming; and
- (d) To encourage environmental sustainable development that takes into account the land’s natural attributes, including topography, geomorphology, remnant vegetation, watercourses and groundwater.”

Local Planning Policy No. 20 Developer and Subdivider Contributions (LPP020) provides guidance for Council in obtaining contributions in the form of land, infrastructure works, monetary payment, or agreed in-kind contributions from developers for the provision, extension or improvement of infrastructure, services or facilities.

Local Planning Policy No. 21 Bush Fire Management (LPP021) provides guidance for assessing development applications where the development is located in a bushfire prone area or will increase the risk of bush fire in an area.

COMMENT:

A) Overview

It is recommended that Council approve the Development Application subject to conditions. This follows assessment against LPS3, the endorsed Local Planning Strategy, the draft Local Planning Strategy, Local Planning Policies LPP020 & LPP021, considering the views of the submitters and information provided by the applicant. It is noted, for instance, that:

- no clearing of native vegetation is proposed;
- buffers will be placed between the plantation area and identified waterways and dams;
- there are no heritage or cultural sites located in the plantation area;
- there are suitable buffers to surrounding buildings; and
- timber resources are important to the district and region.

It is suggested that if the plantation is suitably managed and planning conditions are met, that environmental considerations, bushfire management and response, and impact on the Shire road system can be appropriately addressed.

B) Length of development approval

The applicant estimates the project life will be approximately 30 years. It is recommended that the development approval be issued for a single rotation rather than an 'opened ended' approval period. Should FPC or any other applicant wish to replant the plantation area following final clear fell, they will be required to submit a new development application prior to beginning any works.

C) Developer contributions

Contributions are typically sought by Council for development applications for timber plantations. As per LPP020 Section 7, the applicant will need to ensure that the Shire managed roads in and around the plantation area are in a condition post-development that is at least the same condition as pre-development. To achieve this, development conditions will include a system of notification, inspection and post-development repair of the roads to the Shire's satisfaction.

D) On-going bushfire management and response

As per LPP021, the applicant will need to address on-going bushfire management and response. This includes maintaining firebreaks in accordance with the requirements of the Annual Firebreak Notice issued by the Shire of Nannup under the *Bushfires Act 1954*, maintaining permanent onsite water resources, maintaining existing access roads and undertaking measures to protect public utilities via appropriately maintained easements. The applicant has provided a Fire Management Plan which is consistent with LPP021 Section 10.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policies LPP020 and LPP021 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 regards to the policies in determining the Development Application.

FINANCIAL IMPLICATIONS: Nil.

STRATEGIC IMPLICATIONS:

The proposed tree plantation is consistent with aims of the endorsed Shire of Nannup Local Planning Strategy and draft Local Planning Strategy.

RECOMMENDATION:

That Council approve the Development Application for an 87 hectare pinus radiata tree plantation at Lot 137 on DP246151 (Lindsay Rd) and Lot 86 on D99143 (East Nannup Rd), East Nannup, subject to the following conditions:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications dated 17th February 2017 submitted with the application and these shall not be altered and / or modified without the prior knowledge and written consent of the Shire.
2. This development approval shall lapse and be of no further effect if the plantation development hereby permitted has not been substantially commenced within 24 months of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out.
3. This development approval is for a single rotation only. The applicant will be required to submit a new development application prior to beginning any replanting of the plantation area.
4. A separate 'Harvesting Plan' is to be prepared in accordance with the latest 'Code of Practice for Timber Plantations' (or equivalent that is applicable at that time) and submitted to and approved by the Shire prior to the anticipated commencement of harvesting so that the proposed access haulage routes may be inspected by both parties.

5. Fire management measures outlined in the application shall be implemented in accordance with the submitted plan and accompanying details are required to meet the performance standards in the 'Guidelines for Plantation Fire Protection' document published by the Department of Fire and Emergency Services.
6. The installation and maintenance of firebreaks and low fuel zones are to be carried out around all boundaries and buildings on the subject properties, in accordance with the requirements of the Annual Firebreak Notice issued by the Shire of Nannup under the *Bushfires Act 1954*.
7. A minimum of 12 months prior to any anticipated commercial harvesting occurring, the Plantation Operator/Manager shall notify the Shire so that the proposed access/haulage routes may be inspected by both parties.

Advice Notes:

- A. With reference to Condition 4, the Shire will require the Plantation Operator/Manager to reimburse the cost of any road repairs that become necessary as a result of wear and other damage to the local road network caused by heavy haulage vehicles associated with the transport of harvested plantation trees. The Shire will undertake an audit of the local road system proposed to be used for log transport prior to, and following, plantation harvesting so as to ascertain any remedial works required (and funds recoupable).
- B. Cultivation of land, spraying of pesticides or herbicides, or the application of nitrogenous fertilisers is not recommended within 30 metres of any stream. This provision does not preclude the carrying out of weed control in accordance with Department of Agriculture and Food Western Australia recommendations or standard practices.
- C. With reference to Condition 2, complete preparation of the site and majority of total approved plant out would satisfy the requirements of 'substantial commencement'.
- D. The attention of the Plantation Operator/Manager is drawn to the need to comply with the requirements of any 'Firebreak Notice' issued by the Shire of Nannup under the provisions of the Bush Fire Act 1954. Furthermore, the Plantation Operator/Manager is required to advise the Shire's Chief Bush Fire Control Officer of any commercial harvesting activities that may be proposed during restricted or prohibited burning seasons.
- E. Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit issued by the Department of Environment Regulation or is of a kind that is exempt in accordance with Schedule 6 of the Environmental Protection Act 1986 or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004.
- F. If the applicant or owner 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.

VOTING REQUIREMENTS: Simple Majority

Shire of Nannup
Ordinary Council Meeting Agenda: 23 March 2017

AGENDA NUMBER:	12.9
SUBJECT:	Development Application for a proposed grain commodity shed and a proposed machinery shed
LOCATION/ADDRESS:	Lot 12408 Cundinup West Road, Cundinup
NAME OF APPLICANT:	Mario Camarri
FILE REFERENCE:	A197
AUTHOR:	Steve Thompson – Consultant Planner
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT:	14 March 2017
PREVIOUS MEETING REFERENCE	25 January 2017 – associated partial road reserve closure
ATTACHMENT:	12.9.1 - Plan showing proposed sheds in relation to property boundaries 12.9.2 - Correspondence and plans from applicant 12.9.3 - Photographs of application site 12.9.4 - Location map

BACKGROUND:

This item is presented to Council given the proposed grain commodity shed is largely located in a Shire managed road reserve while the proposed machinery shed is located over a property boundary. Attachment 12.9.1 shows the location of the two proposed sheds in relation to property/cadastral boundaries.

Details submitted by the applicant are outlined in Attachment 12.9.2 which provides background and reasons in support of the Development Application. The applicant operates a considerable beef business from Lot 12408 Cundinup West Road (and from other titles). Attachment 12.9.3 shows photographs of the application site from the Cundinup West Road frontage.

The site is located approximately 20 kilometres north-northwest of the Nannup townsite (see Attachment 12.9.4).

Lot 12408 and adjoining Lot 1996 are owned by the applicant. They are zoned 'Agricultural Priority 2' in the *Shire of Nannup Local Planning Scheme No. 3* (LPS3), while Cundinup West Road is identified as 'No Zone' in LPS3. The standard minimum setback in LPS3 for buildings in the Agriculture Priority 2 Zone is 20 metres. Clause 5.8.2 of LPS3 provides the statutory ability to modify setback requirements. Key considerations include that the proposed development will not

adversely impact upon adjoining development and traffic flow in the road network will not be adversely affected.

The Council at its meeting on 25 January 2017 resolved the following at Resolution 17011:

‘That Council agree to initiate a request for permanent partial road reserve closure action, under section 58 of the Land Administration Act 1997 subject to the closed partial road reserve being amalgamated into adjoining Lot 12408 on Plan 164775.’

The Shire administration has undertaken consultation on the associated permanent partial road closure. At the time of preparing this report, no submissions have been received. It is expected the Council will consider the permanent partial road reserve closure of Cundinup West Road at its April 2017 meeting.

A Dial Before You Dig search revealed a Western Power powerline is currently located on the applicant’s land and is not in the road reserve. It appears that Telstra cables are located on the applicant’s land with the pits located in the area that is currently road reserve and which is proposed to be included into future freehold land (should the partial permanent road reserve closure be approved and implemented).

The Cundinup West Road was realigned adjoining Lot 12408 approximately 35 years ago. At that time, the road reserve was widened to incorporate the new alignment rather than being moved which is commonplace throughout the district. The width of the current road reserve is approximately 50 metres for the length of the section which adjoins Lot 12408. The partial road closure, if approved and implemented, will reduce the width of the road reserve for a majority of the section adjoining Lot 12408.

COMMENT:

The Shire administration has liaised with the applicant regarding relocating the grain commodity shed to be fully located on the applicant’s property and not within the Cundinup West Road reserve (this is the Shire’s preferred outcome). The applicant in response has outlined in 12.9.2 the reasons in support of the proposed location. This includes that the proposed grain commodity shed needs to be close to the grain receiving and milling area as it is impractical to move the grain any great distance.

On balance, it is recommended that Council approve the Development Application subject to conditions given the application supports Local Planning Strategy objectives to promote agriculture and job creation. While noting this, it is highlighted that:

- i) The Shire is not aware of a similar scenario where it has been asked to consider approving a permanent shed located within a road reserve;
- ii) The existing silos and other farm infrastructure are also located in the Cundinup West Road reserve and are closer to the road than the proposed grain commodity shed.
- iii) The extra wide road reserve adjoining the application site has been in place since the realignment of Cundinup West Road approximately 35 years ago and the land is largely cleared.
- iv) The Council has agreed to commence the process to permanently close a portion of the Cundinup West Road reserve to address an historic anomaly.
- v) The road reserve closure and acquisition process usually takes considerable time to be completed, in the order of years, with most of the process and associated time associated with State Government agencies.
- vi) Should the grain commodity shed be constructed, it will for a period of time be located on land managed by the Shire (or not owned by the applicant/landowner). Additionally, the Shire cannot guarantee the applicant that the Minister for Lands will ultimately agree to the partial road closure.
- vii) No objections have been raised by other sections of the Shire administration to the application including that traffic flow in the road network will not be adversely affected. The applicant proposes that the grain commodity shed is approximately 18 metres from the Cundinup West Road bitumen.
- viii) The two proposed sheds are substantial structures however they are an expected use in an agricultural area.
- ix) The proposed machinery shed is located over a property boundary and ideally is slightly relocated to be either fully on Lot 12408 or fully on Lot 1996 which is addressed through a modified site plan agreed to by the local government. It is better practice that buildings are fully contained on a single property as it can save future additional costs and time. However, no objection is raised given the applicant owns both properties and it assists in the effective operations of the farming enterprise. At some point, the applicant may need to submit a boundary adjustment application to the Western Australian Planning Commission to ensure buildings are fully located on the preferred title.
- x) The applicant should be responsible for costs associated with addressing risks associated with the proposed grain commodity shed being located in a road reserve including a Memorandum of Understanding and a Deed.
- xi) At this stage, the implications of protecting Telstra's infrastructure, including the pits, have yet to be determined. Any costs associated with protecting and/or relocating services are to be met by the applicant/landowner.
- xii) Proposed conditions can assist to reduce risks to the local government including controlling stormwater run-off onto Cundinup West Road and

upgrading the crossovers in accordance with *Local Planning Policy 013 Car Parking and Vehicular Access*.

The Council could alternatively choose to defer the matter until the partial road closure process is completed or may determine to refuse the Development Application.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS3.

POLICY IMPLICATIONS:

Local Planning Policy LPP013 and LPP 022 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 regards to the policies in determining the Development Application.

FINANCIAL IMPLICATIONS:

Should the Council determine the Development Application it is conditionally appropriate, it is suggested the applicant is responsible for costs associated with addressing risks associated with the proposed grain commodity shed being located in a road reserve. This includes the costs of drafting a suitable Memorandum of Understanding and a Deed.

STRATEGIC IMPLICATIONS: Nil

RECOMMENDATION:

That Council approve the Development Application for a grain commodity shed and a machinery shed at Lot 12408 Cundinup West Road, Cundinup subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the plans and documentation submitted with the application, addressing all conditions, or otherwise amended by the local government and shown on the approved plan and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.

3. The provision of details submitted with the Building Permit as to how stormwater from the grain commodity shed will be effectively controlled, to the satisfaction of the local government, to ensure run-off does not impact Cundinup West Road. Approved measures are to implemented prior to use of the grain commodity shed and/or the machinery shed.
4. The applicant enters into a Memorandum of Understanding with the local government, to the satisfaction of the local government prior to the issue of a Building Permit, to address risks and associated matters with the grain commodity shed being located in the Cundinup West Road reserve.
5. The applicant enters into a Deed, to the satisfaction of the local government, which is finalised prior to use of the grain commodity shed and/or the machinery shed. The costs of preparing and executing the Deed are at the applicant's cost.
6. The crossovers to Cundinup West Road are designed, constructed (sealed) and drained at the applicant's cost to the satisfaction of the local government prior to use of the grain commodity shed and/or the machinery shed.

Advice

- A) This is not a Building Permit. A Building Permit must be obtained before any building works commence.
- B) In relation to Condition 4, this will include addressing matters including relevant insurances and being aware of possible relocation costs of services such as telecommunication infrastructure.
- C) In relation to Condition 5, this will include indemnifying the local government for any costs associated with constructing the grain commodity shed partly in the road reserve and setting out there is a need to gain necessary approvals from agencies such as Telstra.
- D) In relation to Condition 6, the sealed sections of the crossovers are to be at least 10 metres extending from the Cundinup West Road bitumen.
- E) Underground telecommunication assets exist in the area that is subject to this approval. It is recommended that the applicant call '1100' for *Dial Before You Dig* in advance of any construction activities. Additionally, if any proposed works may impact on Telstra's assets or the assets from other servicing agencies, there is a need to contact the servicing agencies in advance of any construction activities.
- F) The Shire cannot guarantee that the Minister for Lands will grant approval to the permanent partial road reserve closure of Cundinup West Road adjoining the site.

- G) The proposed machinery shed is located over a property boundary with Lot 1996. The applicant may wish to submit a revised site plan to ensure the shed is fully located on the preferred title. Alternatively, the applicant may later need to submit a boundary adjustment application to the Western Australian Planning Commission to address the matter.
- H) If the applicant or owner 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.

VOTING REQUIREMENTS: Simple Majority

ECONOMIC & COMMUNITY DEVELOPMENT SERVICES

AGENDA NUMBER:	12.10
SUBJECT:	Department of Sport & Recreation CSRFF grant
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Louise Stokes
FILE REFERENCE:	FNC 60
AUTHOR:	Louise Stokes – Economic & Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	13 February 2017
ATTACHMENTS:	12.10.1 – Grant application

BACKGROUND:

Funding is available through the Department of Sport & Recreation's Community Sport & Recreation Facilities Fund (CSRFF) for projects with a total value of \$200,000 or less. Funding under the CSRFF will cover one third of the cost of the project.

The grant application process requires that Council endorses this application prior to submitting to the Department of Sport & Recreation.

This application is to complete the upgrade of the existing toilets and change rooms in the Nannup Recreation Centre.

COMMENT:

Council in its 2017-2027 Strategic Planning process indicated this project as a high priority as part of the continued upgrade of the Nannup Recreation Centre precinct.

The project has been estimated to cost \$150,000.

STATUTORY ENVIRONMENT: Nil.

POLICY AND CONSULTATION IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Balance of funds available in Council Asset Management Reserve Fund.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That Council endorse the submission of the Shire of Nannup Recreation Centre toilet and change room upgrade to the Department of Sport & Recreation through the current CSRFF funding round.

VOTING REQUIREMENTS: Simple Majority

FINANCE & ADMINISTRATION

AGENDA NUMBER:	12.11
SUBJECT:	Change Of Rating Valuations – Shire of Nannup
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	
FILE REFERENCE:	RAT9
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	22 February 2017
ATTACHMENT:	12.11.1 – Map of parcels identified for change in valuations. Table showing details held of parcels identified for valuation. 12.11.2 – Table – Property Owners Responses Received.

BACKGROUND:

For most local governments, rates are the principal source of revenue. With limited alternatives, local governments need to optimise this source to generate revenue for their operations. A key to optimising the rating system is to ensure that the appropriate method of valuation of land is used as the basis for rates.

Urban land that is rated on its unimproved value (UV) would normally attract a lesser rate assessment than it would if rated on its gross rental value (GRV).

Generally, this is also the case if rural land is rated on its GRV rather than its UV. Applying the appropriate method of valuation to each property will also minimise complaints from ratepayers of inconsistent and inequitable treatment.

Under Section 6.28 of the Local Government Act 1995 (*The Act*) the Minister for Local Government (*The Minister*) is responsible for determining the method of valuation of land to be used by a local government as the basis of rates.

In determining the method of valuation, the Minister is to have regard to the general principle that the basis for a rate on any land is to be:

- Where the land is used predominantly for rural purposes, the Unimproved Valuation (UV) of the land should be used; and

- Where the land is used predominantly for non-rural purposes, the Gross Rental Valuation (GRV) of the land should be used.

Each local government has a role in ensuring that the rating principles of the Act are correctly applied to rateable land within their district so that rural land is rated by its UV valuation and all non-rural land is rated on its GRV valuation. This will ensure that the principles of objectivity, fairness and equity, consistency, transparency and administrative efficiencies are observed across the board and all ratepayers are treated equal.

COMMENT:

The process that needs to be followed once properties have been identified as potentially requiring a land basis revaluation is as follows:

1. Pass a resolution by Council to endorse the works undertaken by officers to look at changing the valuation of the properties;
2. Review the predominant use of the identified land which will include consultation with the landowners;
3. Following the consultation with landowners a follow up on any objections received a final review to Council for implementation of changes.
4. Submission made to the Minister of Local Government asking for the changes to be made;
5. Changes to rating included in a notice published in the Government Gazette.

Ten properties within the Shire of Nannup were identified as potentially being rated incorrectly based on land usage of these properties. As a result at the January 2017 Council meeting Council endorsed Officers to contact land owners identified within a rating audit to ascertain what their properties were currently being used for. This is as per Step One above.

As per Step Two, letters were sent to the property owners on the 29 January 2017. The letter outlined the reasoning behind the enquiry and asked the land owners to sign and return a Land Use Declaration stating if the property was currently used for rural pursuits. Landowners were requested to return their completed declarations within 21 days. If declarations were not returned, it was noted in the correspondence that it would be assumed that the land was not used for rural pursuits and should be assessed for a potential valuation change to be applied.

This item before Council today now addresses Step Three. At the end of the consultation period a total of two declarations have been returned. One letter states that no rural pursuits are conducted on the property and the other, while listing rural activities currently undertaken on the property, notes that these activities are not the predominate activity of the land parcel. As the other eight

land owners contacted have not responded, Officers are of the opinion that these parcels are also not used predominantly for rural pursuits.

The next step within this process is for Council to endorse Officers to make a submission to the Minister of Local Government requesting that these properties have a change to the method of valuation applied to more correctly reflect the current usage of the properties. It will also be requested that these changes, if implemented, be applied as at July 1 2017 ready for the new rating year.

STATUTORY ENVIRONMENT:

Local Government Act 1995 S6.28 and S6.38

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

Possible changes to the rating income received from 2017/18 onwards.

STRATEGIC IMPLICATIONS:

Our Economy: We will have a sustainable, innovative and equitable economy.

RECOMMENDATION:

That Council endorse Officers make a submission to the Minister of Local Government requesting that the ten properties identified have a change in rating valuation applied based on the current land usage of the land parcels.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.12
SUBJECT:	Budget Monitoring – February 2017
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Prime – Corporate Services Officer
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	15 March 2017
ATTACHMENT:	12.12.1 – Financial Statements for the period ending 28 February 2017

BACKGROUND:

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.12.1

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

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

COMMENT:

Please refer to the attachment, Financial Statements for period ending 28 February 2017 for a detailed analysis of our end of year position, as found in Note 2.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

A potential surplus of \$4,362 for 2016/17.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the Monthly Financial Statements for the period ending 28 February 2017 be received.

VOTING REQUIREMENTS: Simple Majority.

Shire of Nannup
Ordinary Council Meeting Agenda: 23 March 2017

AGENDA NUMBER:	12.13
SUBJECT:	Monthly Accounts for Payment – February 2017
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Prime – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT:	15 March 2017
ATTACHMENTS:	12.13.1 – Accounts for Payment – February 2017 12.13.2 – Credit Card Transactions – February 2017

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 February 2017 to 28 February 2017 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

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

There is currently one corporate credit card in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

Municipal Account

Accounts paid by EFT	9116 – 9217	429,043.35
Accounts paid by cheque	20137 – 20148	18,178.85
Accounts paid by Direct Debit	DD9785.1 – DD9790.7	24,879.31
Sub Total Municipal Account		\$472,101.51

Trust Account

Accounts paid by EFT	0.00
Accounts Paid by cheque	0.00
SubTotal Trust Account	\$0.00
Total Payments	\$472,101.51

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: Nil.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$472,101.51 1 February 2017 to 28 February 2017 in the attached schedule be endorsed.

VOTING REQUIREMENTS: Simple Majority

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

 - 13.2 ELECTED MEMBERS**

- 14. MEETING CLOSED TO THE PUBLIC**
(Confidential Items)
 - 14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

 - 14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

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

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

- 17. CLOSURE OF MEETING**



Agenda Attachments

Item	Attach	Title
12.5	1	Ministerial Recognition of Blackwood Biosecurity Inc
12.6	1	Plan of Proposed Rehabilitation Area – Public Transport Authority Leased land.
12.7	1	Initial information from applicant
	2	Location map
	3	Submissions
	4	Revised design from applicant
	5	Extract of Local Planning Policy No 18 Signs and Advertisements
	6	Extract of Local Planning Policy No 08 Nannup Main Street Heritage Precinct
12.8	1	Initial information from applicant
	2	Location map
	3	Submissions
	4	Revised plantation management plan applicant
	5	Extract from endorsed Shire of Nannup Local Planning Strategy
12.9	1	Plan showing proposed sheds in relation to property boundaries
	2	Correspondence and plans from applicant
	3	Photographs of application site
	4	Location map

Shire of Nannup
Ordinary Council Meeting Agenda: 23 March 2017

12.10	1	Grant application
12.11	1	Map of parcels identified for change in valuations.
	2	Table showing details held of parcels identified for valuation.
	3	Table – Property Owners Responses Received.
12.12	1	Financial Statements for the period ending 28 February 2017
12.13	1	Accounts for Payment – February 2017
	2	Credit Card Transactions – February 2017