

Memorandum

To: Councillors
From: Peter Clarke
Subject: Notice of an Ordinary Council Meeting
Date: 18 August 2017

NOTICE OF AN ORDINARY COUNCIL MEETING

Dear Council Member,

The next Ordinary Meeting of the Shire of Nannup Council will be held on Thursday 24 August 2017 in the Council Chambers, Nannup commencing at 4.15 pm.

Schedule for 24 August 2017

3.15 pm Information Session
4.15 pm Meeting commences
6.00 pm Dinner to be held at the Nannup Hotel.

PETER CLARKE
CHIEF EXECUTIVE OFFICER





Shire of
Nannup
rest • connect • grow

Agenda

Council Meeting to be held
on Thursday 24 August 2017
Commencing at 4.15pm

Agenda

1. **DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
2. **RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**
(previously approved)

Cr Stevenson had previously been granted Leave of Absence from this meeting of Council.

3. **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

The following question was taken on notice at the Ordinary Council meeting of 27 July 2017. Mrs Rita Stallard was provided with a written response from the CEO on 7 August 2017. The response from the Shire is recorded accordingly:-

Question:

Within the Bushfire Information Leaflet included with the Rates Notices this year, the details relating to firebreaks for Rural, Special Rural and Urban properties appear to have changed from previous years. Is there an error within the leaflet or have the dimensions for firebreaks increased?

Response to Question:

You are correct in noticing that a change has been implemented regarding property compliance requirements for firebreaks and that “firebreaks must now be at least 4 metres wide with a minimum of 3 metres wide of mineral earth and have all trees adjoining the firebreak progressively pruned to a minimum height of 4 metres”.

The reason for this change has been brought about by the increase in size of new Fire Fighting Appliances that are now stationed at Bush Fire Brigades within the Shire of Nannup. The previous 3 metre minimum requirement did not take into account side mirrors of these vehicles and therefore, a 4 metre width is required for clearance purposes in the case of fire and access to property boundaries.

If you are unable to meet this requirement it does state in the “*Firebreak and Fuel Hazard Reduction Notice*” that applications for a variance can be sought by lodging them in writing to the Shire prior to 1 November 2017.

The following question was taken on notice at the Ordinary Council meeting of 27 July 2017. Mrs Ellie McKie was provided with a written response from the CEO on 31 July 2017. The response from the Shire is recorded accordingly:-

Question:

“Barrabup Conservation Group was formed to save a small area of forest which is rich in cultural heritage, rare and threatened flora and the main gateway to our town. The Nannup Timber Mill manager, Vince Corlett, has turned it around to make it out like we want to close the mill, this is not the case as we have stated from the beginning. But on that note, in the Local planning strategy under Industry on page 19, it states:-

The local government will:

- e) require further detailed investigations and a structure plan in the event that the Nannup timber mill has surplus land and relocates or closes*

Can you please explain what detailed investigations and what structure plan is the local government doing”?

Response to Question:

The above section that you quote in the Draft Shire of Nannup Local Planning Strategy will require a proponent, whether it be Nannup Timber Processing (NTP) or another potential developer, to prepare and present a Structure Plan to Council on any proposed development in the event that the Nannup Timber Mill has surplus land and relocates or closes.

Your question as to “*what detailed investigations and what structure plan is the local government doing*” has no relevance to Council at this stage and will only be considered when a Structure Plan is submitted for Council’s consideration. It is not the Shire of Nannup’s responsibility to prepare the Structure Plan.

For your information, the Local Planning Strategy is a document that sets out the Shire's broad vision for the district and the longer term directions for land use and development. The Strategy operates in conjunction with the Shire of Nannup Local Planning Scheme, currently LPS3, with Council soon to embark on a review of the document to develop LPS4. Local Planning Schemes, as opposed to Local Planning Strategies, set out the way land is to be used and developed, classify areas for land use and include provisions to coordinate infrastructure and development within the local government area.

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

1. With the Shire President's approval, Mrs Bee Winfield will be providing a presentation to Council to further enhance statements that she made at the July Ordinary Council meeting as a member of the Barrabup Conservation Group.

2. Ms Jane Charles, Systems and Contracts Officer South West Native Forests with the Forest Products Commission (FPC), will be providing a presentation to Council on FPC's processes of logging in accordance with the Forest Management Plan 2014-2023.

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

- 8.1 That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 27 July 2017 be confirmed as a true and correct record.

9. MINUTES OF COUNCIL COMMITTEES

- 9.1** That the Minutes of the BIG N Meeting held 13 July 2017 be received.
- 9.2** That the Minutes of the Warren Blackwood Alliance of Councils Meeting held on 31 July 2017 be received.
- 9.3** That the Minutes of the Local Emergency Management Committee meeting held 2 August 2017 be received.

Councillors Note: Recommendations contained within the following Minutes

- 9.4** That the Minutes of the Bushfire Advisory Committee meeting held 7 August 2017 be adopted.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

11. REPORTS BY MEMBERS ATTENDING COMMITTEES

12. REPORTS OF OFFICERS

Agenda No.	Description	Page No.
CEO DEPARTMENT		
12.1	Proposed dedication of Poison Swamp Road and closure of unnamed road reserve - submitted for endorsement to permanently close	7
12.2	Amendment No.19 to the Shire of Nannup Local Planning Scheme No. 3	14
12.3	Busselton Margaret River Regional Airport (BMRRA) – Future Airport Marketing Fund	17
12.4	2017 Council Elections – Shire of Nannup Electoral Code of Conduct	20
12.5	Danjangerup Cottages – Deed of Novation	22
12.6	Local Laws Review	25
12.7	Banking Industry – Loan Applications to Developers in Nannup	28
ECONOMIC & COMMUNITY DEVELOPMENT SERVICES		
12.8	Nannup Mountain Bike Club Pump Track	30
WORKS & SERVICES		
12.9	State Roads Funds & Direct Grants Reduction	32
12.10	Main Street Stage 3 Continued Upgrade	34
12.11	Hitchcock Drive Footpath and Verge Damage	37
FINANCE & ADMINISTRATION		
12.12	Budget Monitoring – June 2017	41
12.13	Monthly Accounts for Payment - July 2017	43

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**

CEO DEPARTMENT

AGENDA NUMBER:	12.1
SUBJECT:	Proposed dedication of Poison Swamp Road and closure of unnamed road reserve - submitted for endorsement to permanently close
LOCATION/ADDRESS:	Poison Swamp Road, Darradup
NAME OF APPLICANT:	Alan Boynton on behalf of R&S Bruce, N&A Hamilton and J&I Gouldney (owners of Lot 11864 Poison Swamp Road, Darradup)
FILE REFERENCE:	ROA083
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:	16 August 2017
PREVIOUS MEETING REFERENCE:	27 April 2017 21 December 2006
ATTACHMENT:	12.1.1 - Concept Plan 12.1.2 - Submissions and recent DBCA correspondence 12.1.3 - Recent correspondence from applicant 12.1.4 - Location map 12.1.5 - Cadastral map of locality

BACKGROUND:

The Concept Plan (Attachment 12.1.1) summarises the proposed road reserve to be dedicated to the Shire, the section of road reserve proposed to be permanently closed and the preferred ways of providing legal and practical vehicular access to Lots 10622 and 3946 to ensure they are also no longer 'land-locked'.

The Council at its meeting on 27 April 2017 passed the following motion at minute number 17065:

'That Council:

- 1. Supports the width of the proposed Poison Swamp Road reserve being '10' metres instead of '15' metres and the proposed road reserve being extended to Lot '2042' instead of being extended to Lot '2883'.**
- 2. Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close an unnamed road reserve and support associated road reserve dedication of Poison Swamp Road and the road reserve connecting Poison Swamp Road to Lot 2042 as set out in Attachment 12.6.1.**
- 3. Notes the Shire administration will invite submissions on the dedication of Poison Swamp Road and the associated closure of the unnamed road reserve for a period of six (6) weeks.**
- 4. Will reconsider the road reserve dedication and closure request following the close of the public submission period and will determine whether or not it will agree to request that the Minister for Lands permanently closes and dedicates the road reserve.**
- 5. Requires the applicant to provide an updated Concept Plan and set out in writing and how legal and practical vehicular access will be provided to Lot 3946 and when this is intended to be provided.'**

In accordance with the Council resolution, the *Land Administration Act 1997* and the *Land Administration Regulations 1998*, the Shire administration consulted extensively for a six week period through the Shire administration:

- writing to and inviting comments from adjoining/nearby landowners;
- writing to and inviting comments from 7 relevant State Government and servicing authorities;
- placing a public notice in the Busselton-Dunsborough Times and the Nannup Telegraph;
- placing details on the Shire website;
- placing details on community noticeboards; and
- having information available at the Shire office.

The Shire received 7 submissions on the proposed road reserve dedication and closure which are set out in Attachment 12.1.2. The submissions from government departments and servicing agencies raise no objections or provide advice. The two submissions from ratepayers both raised objections.

In regards to the submission from Main Roads Western Australia and the upgrading of the Poison Swamp Road/Brockman Highway intersection, it is suggested this can be considered through an associated subdivision/strata subdivision application of Lot 11864 or prior to Poison Swamp Road being dedicated with the Shire. On balance, it is suggested that some upgrading is required of Poison Swamp Road and/or the intersection based on the State Government's *Guidelines for Planning in Bushfire Prone Areas* and Council's *Local Planning Policy LPP013 Car Parking and Vehicular Access, LPP015 Dedication of Road Access* and *LPP 020 Developer and Subdivider Contributions*.

The Department of Biodiversity, Conservation and Attractions (DBCA) have provided a comprehensive response and have recently provided advice on the possible future and access to Lot 3946. Based on the DBCA submission, there appears to be no impediment to progressing and finalising the dedication and road reserve closure.

The submission from Mr Waddington raises a number of matters. It is noted that addressing the landlocked 'purple title' property (Lot 11864) has been identified in various planning documents and Council resolutions for many years. The owners of Lot 11864 are aware that are required to meet all survey and associated costs with the dedication and closure. The officer recommendation seeks to clarify their obligations.

The submission from Mr Kohler/Ms Lopes is considered now appropriately addressed given the support of DBCA to create a road reserve to provide access to Lots 2042 and 2883.

In accordance with established practice, the Shire administration has liaised with the applicant and DBCA since the receipt of submissions. The applicant has in turn provided additional comments (see Attachment 12.1.3). The results of the recent discussions and correspondence have resulted in the updated Concept Plan (Attachment 12.1.1) which is slightly different from the advertised Concept Plan. The applicant supports the revised Concept Plan. In particular, it is suggested the revised/latest Concept Plan addresses the concerns raised by Mr Kohler/Ms Lopes.

In summary, the Concept Plan proposes the following:

- the existing forestry track known as 'Poison Swamp Road' is formally created (dedicated) as a public road with a reserve width of 10 metres. This would result in the existing track being taken out of the Milyeannup State Forest, managed by the DBCA, and incorporated into a road reserve vested and managed by the Shire;
- a road reserve (with a width of 10 metres) is extended past Lot 2042 to Lot 2883 which would result in land being taken out of the State Forest and into a road reserve vested and managed by the Shire;

- an easement through Lot 2042 to Lot 10622;
- an easement is identified through State Forest to provide access to Lot 3946 (Unallocated Crown Land); and
- a superfluous section of an unnamed road reserve, which does not contain a constructed track, is permanently closed and is added to the State Forest.

The location of Poison Swamp Road is shown in Attachment 12.1.4 which is approximately 23 kilometres south-west of the Nannup townsite. Attachment 12.1.5 outlines a cadastral map of the locality. This shows that Lot 11864 is 'land locked' given there is no gazetted public road connecting the property to Brockman Highway. As outlined above, Poison Swamp Road is a forestry track located on land managed by DBCA.

COMMENT:

It is suggested that Council is now in a position to finalise its position on the road reserve dedication and the permanent road reserve closure. It is recommended that Council agree to a permanent closure of the unnamed road reserve and the associated road reserve dedication outlined in Attachment 12.1.1 given:

- the unnamed road reserve is superfluous given the nearby constructed Poison Swamp Road;
- it will not create additional 'land locked lots' but instead the road dedication addresses Lots 11864, 2042 and 2883 being land-locked;
- it will assist in effective management of the State Forest with the superfluous road reserve being amalgamated into adjoining State Forest; and
- no objections were received from State Government agencies including DBCA.

It is suggested that Council endorses the Concept Plan in Attachment 12.1.1. The Concept Plan outlines how legal and practical vehicular access can be provided to a number of lots including Lots 3946 and 10622. Implementation of the Concept Plan would progress addressing these historic land-locked lots.

Subject to the Council's decision, the Minister for Lands will determine whether to permanently close the road reserve. Should the Minister agree, the road reserve will be amalgamated into the State Forest.

The road closure and road dedication processes will continue to be progressed as a package. This is required as there is ultimately a need to gain DBCA and associated Minister for Environment support to both processes given that DBCA manage land associated with the road to be dedicated and will be accepting land from the superfluous current road reserve.

Based on other comparable proposals, the interrelated road dedication and road reserve closure processes will take a considerable time to be completed (in the order of years). Most of the process and associated time is associated with addressing the requirements of State Government agencies.

STATUTORY ENVIRONMENT:

The *Land Administration Act* and *Land Administration Regulations* require the Shire to seek comment for at least 35 days. The Shire administration has met this requirement through writing to adjoining/nearby landowners, relevant servicing authorities and State Government agencies and inviting comments from the wider community through the public notices in local papers.

The Council now needs to formally resolve to finalise the closure/dedication and indemnify the Department of Planning, Lands and Heritage against any costs that may arise (survey documentation, stamp duty etc.). These costs should be borne by the owners of Lot 11864 who in-turn are required to indemnify the Shire for these costs.

POLICY IMPLICATIONS:

Local Planning Policy LPP013 Car Parking and Vehicular Access, LPP015 Dedication of Road Access and LPP 020 Developer and Subdivider Contributions are non-statutory documents which are designed to provide guidance to assist the Council in its decision making.

FINANCIAL IMPLICATIONS:

The applicant has paid the application fee in accordance with the Council's fees and charges. The owners of Lot 11864 are required to meet all costs associated with the road dedication and road closure processes including survey, land acquisition, State Government administration fees and associated survey strata subdivision fees.

There is a need to address the standard of Poison Swamp Road and/or consider whether there is a need to upgrade the Poison Swamp Road/Brockman Highway intersection. *Local Planning Policy LPP013 Car Parking and Vehicular Access* outlines that where a new public road is created through the subdivision process, the Council will accept unsealed roads for lots between 4ha - 9.99ha where 4 or less lots are created. There is expected to be a need for the owners of Lot 11864 to make a proportionate financial or in-kind contribution to the upgrading of Poison Swamp Road and/or the Poison Swamp Road/Brockman Highway intersection before the road reserve is vested with the Shire. This could include upgrading the road to meet the standards set in *Guidelines for Planning in Bushfire Prone Areas*.

STRATEGIC IMPLICATIONS:

Subject to gaining necessary approvals and formalising easements to Lots 10622 and 3946, the proposal addresses various land-locked lots in the district.

RECOMMENDATION:

That Council:

1. Endorse the Concept Plan in Attachment 12.1.1.
2. Agrees to initiate permanent road reserve closure action, under section 58 of the *Land Administration Act 1997*, to close an unnamed road reserve which is amalgamated into the State Forest as set out in Attachment 12.1.1.
3. Supports the road reserve dedication of Poison Swamp Road to provide legal and practical vehicular access to Lots 11864, 2042 and 2883 as set out in Attachment 12.1.1.
4. Requests the Minister for Lands to support the above permanent road reserve closure and the associated road reserve dedication from a portion of the State Forest.
5. Requires the owners of Lot 11864 to confirm in writing they will meet all costs associated with the road reserve dedication and closure processes and indemnify the Shire against any costs in the processes.
6. Notes that subject to point 5 being appropriately addressed by the owners of Lot 11864, to the satisfaction of the local government, the Shire of Nannup in-turn indemnifies the Department of Planning, Lands and Heritage against any costs in the processes, with these costs being borne by the owners of Lot 11864.
7. Delegates authority to the Shire's Chief Executive Officer to progress matters with the Department of Planning, Lands and Heritage, other agencies and the applicant/landowner regarding the closure of the road reserve and the dedication of the road reserve including the signing and sealing of all documentation required.
8. Requests the owners of Lots 2042 and 10622 to progress securing an easement to Lot 10622 prior to the dedication of Poison Swamp Road.
9. Will separately consider the extent of the owners of Lot 11864 needing to upgrade Poison Swamp Road and/or upgrade the Poison Swamp Road/Brockman Highway intersection through either a subdivision or strata subdivision application of Lot 11864 or prior to Poison Swamp Road being dedicated with the Shire.

10. Requests the Department of Biodiversity, Conservation and Attractions to consider the provision of an easement through the State Forest to Lot 3946 given this land parcel may in the future change from Unallocated Crown Land to a freehold lot or another form of land tenure.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.2
SUBJECT:	Amendment No.19 to the Shire of Nannup Local Planning Scheme No. 3
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TPL1/19
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	3 August 2017
PREVIOUS MEETING REFERENCE:	24 November 2016
ATTACHMENTS:	12.2.1 – Proposed amending provisions 12.2.2 – Submissions 12.2.3 – Schedule of submissions

BACKGROUND:

As Councillors are aware, the *Shire of Nannup Local Planning Scheme No. 3* (LPS3) provides the statutory basis for Council regulating development and land use matters and proposals.

The purpose of Amendment No. 19, to LPS3, is to remove provisions, terms and definitions from LPS3 that are superseded by the *Planning and Development (Local Planning Scheme) Regulations 2015* (the Regulations). The amendment also introduces the supplemental provisions schedule and moves relevant provisions from Clause 8.2 into Schedule A. Additionally, the amendment address minor administrative errors and modifies ‘Residential Planning Codes’ to ‘Residential Design Codes’.

At the Council Meeting of 24 November 2016, Council passed the following motion, at minute No 16161:

“That Council:

- 1. Agree to prepare a basic amendment to the Shire of Nannup Local Planning Scheme No. 3, pursuant to Part 5 of the Planning and Development Act 2005, through modifying the Scheme text as outlined in Attachment 12.4.1.*

2. *Authorise the Shire President and the Chief Executive Officer to execute the Scheme Amendment No. 19 documents as outlined in Attachment 12.4.2.*
3. *Note the Shire's Chief Executive Officer will refer Scheme Amendment No. 19 to the Environmental Protection Authority for assessment pursuant to section 81 of the Planning and Development Act 2005. Should the Environmental Protection Authority advise that the amendment does not require assessment, forward the amendment to the WAPC for assessment and final approval by the Minister for Planning."*

Following the Council resolution, the Environmental Protection Authority (EPA) determined that the scheme amendment should not be assessed via an environmental impact assessment. The EPA decision effectively gave its "environmental clearance" to Amendment 19.

Following the receipt of the EPA decision, the Shire forwarded the amendment to the Western Australian Planning Commission (WAPC) for assessment. The WAPC advised the Shire on 7th June 2017 that it had determined the amendment to be a standard amendment, rather than a basic amendment, and directed the Shire pursuant to *Clause 59 of Part 5 Division 4* of the Regulations to advertise the amendment document in accordance with *Clause 47 of Part 5 Division 3* of the Regulations.

Following the receipt of the WAPC determination, the Shire met the requirements of the Regulations through seeking public comment on Scheme Amendment No. 19 for a period of 42 days through:

- writing to relevant State Government and servicing agencies;
- placing public notices in local papers;
- details being on the Shire's website; and
- having information available at the Shire office.

The Shire received 4 submissions on Scheme Amendment No. 19 all raising no objections or making no comment (Attachment 12.2.2). The associated Schedule of Submissions is set out in Attachment 12.2.3.

COMMENT:

The amendment is a standard amendment in accordance with part (g) of the standard amendment definition contained in Regulation 34 of the Regulations as it seeks to add special provisions to the LPS3 scheme text. It is not a complex or basic amendment.

It is recommended that Council resolves to support Scheme Amendment No. 19 without further modifications as outlined in Attachment 12.2.1 to formally progress the process of amending LPS3.

Subject to the Council's decision, copies of the submissions and the Schedule of Submissions will be forwarded to the WAPC who will assess the scheme amendment request with the final decision made by the Minister for Planning.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Approval of Scheme Amendment No.19 will assist in improving the efficiency and effectiveness of the planning system.

RECOMMENDATION:

That Council:

1. Agree to support a standard amendment to the *Shire of Nannup Local Planning Scheme No. 3*, pursuant to Part 5 of the *Planning and Development Act 2005*, with no modifications to the previously prepared Scheme text amendment as outlined in Attachment 12.2.1.
2. Advise all agencies who lodged a submission that their comments were noted.
3. Forward a copy of all submissions as shown in Attachment 12.2.2 and the Schedule of Submissions as shown in Attachment 12.2.3 to the Western Australian Planning Commission for assessment and final approval by the Minister for Planning.

VOTING REQUIREMENTS: Simple Majority

AGENDA NUMBER:	12.3
SUBJECT:	Busselton Margaret River Regional Airport (BMRRA) – Future Airport Marketing Fund
LOCATION/ADDRESS:	
NAME OF APPLICANT:	City of Busselton
FILE REFERENCE:	ADM 16
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	7 August 2017
ATTACHMENT:	None

BACKGROUND:

Mr Mike Archer, CEO of the City of Busselton, has written to Council requesting that the Shire of Nannup continues its support for the BMRRA through a financial contribution of \$10,000 over 5 years for a future Airport Marketing Fund.

The contents of Mr Archer letter advises of the following:-

The Airport Marketing Fund will assist in the attraction and retention of Airlines to service the East Coast to South West route, the outcomes of which will provide direct benefits to all regional South West Local Governments.

The City has made significant progress on the project to date in terms of infrastructure development and airline engagement, resulting in positive responses from domestic airlines including interest to commence services by the end of 2017. The opportunity for an airline to be a first-mover into the South West region with a fully serviced terminal and ancillary services has been critical to this response.

To assist in securing direct interstate and international flights into the South West region, the City has committed \$3.5 million over five years towards the Airline Marketing Fund, with the Margaret River Busselton Tourism Association (MRBTA) committing \$100,000 over two years. In addition, the City, in partnership with Tourism Western Australia, has engaged an Airline Engagement Consultant to assist in securing and retaining airlines to service the East Coast to South West route. These ongoing financial and in-kind commitments by stakeholders represent a significant commitment to the South West region and more importantly, to driving significant economic growth opportunities and expansive social benefits.

A redeveloped BMRRA capable of facilitating direct interstate and international flights is poised to play a key role in the increase of visitation to the region, bolstering the tourism industry, increasing occupancy and event attendance and providing incentive to invest in the development of major tourism infrastructure. The ability of the City of Busselton to secure a national carrier with the assistance of an Airport Marketing Fund will only further increase the profile of the South West region on the national and international stage.

The wider regional benefits of a developed airport include a construction workforce of 126; 94 new direct and indirect ongoing jobs over a 30 year period; \$95.5m in Gross Value Add to the South West region over a 30 year period; \$55m in additional income; and \$220m in additional economic output.

BMRAA also represents a significant opportunity for air freight cargo. The region is renowned as a producer of high calibre horticultural and agricultural produce and is a substantial contributor to Western Australia's export figures. It is estimated that well over half of all airfreight out of Perth Airport comes from the South West region and the South West region is poised to take advantage of maturing markets with a growing emphasis on effectively managing the supply chains and shortening time to markets. Establishing a 'Paddock to Plate' supply chain via underbelly cargo on domestic and international regular passenger transport (RPT) services will provide direct and indirect economic benefits for the whole region.

In addition, the prospect of residing in the idyllic South West region and maintaining a desirable work life balance presents opportunities for the entire South West region to diversify its current workforce and attract new residents. This can be achieved through the redevelopment of the BMRRA and increased FIFO services. As the amount of FIFO workers in Western Australia is expected to expand through newly commissioned projects and expansion of existing activities, a significant portion of this additional workforce demand will be met by skilled labour from towns in regional WA, presenting opportunities for the entire South West region to diversify its current workforce and attract new residents.

COMMENT:

Mr Archer asked that the Shire of Nannup consider the financial request and provide a letter confirming a financial contribution toward the Airport Marketing Fund and the continued support for the BMRRA development project as one of the most regionally significant and transformational infrastructure projects in the South West.

A financial contribution of \$10,000 over 5 years to the Airport Marketing Fund (\$2,000 per annum) is one way in which Council can contribute to the project that definitely will have benefits to residents, horticultural and agricultural producers in the Shire of Nannup.

As Council had already adopted its 2017/2018 Budget it is considered that Council should defer the request for the financial contribution to the Airport Marketing Fund to the 2018/2019 Budget deliberations.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

2018/2019 Budget considerations

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Council Leadership
– Strategy 6.1 Lead, Listen, Advocate, Represent and Provide.

RECOMMENDATION

That Council advises the City of Busselton that whilst it supports the Busselton Margaret River Regional Airport Marketing Fund, it is unable to commit funding in the 2017/2018 financial year as it had adopted its Budget prior to the request for funding being submitted however, Council advises that it would look favourably upon contributing in the 2018/2019 Budget and beyond.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.4
SUBJECT:	2017 Council Elections – Shire of Nannup Electoral Code of Conduct
LOCATION/ADDRESS:	
NAME OF APPLICANT:	Peter Clarke – Chief Executive Officer/Returning Officer
FILE REFERENCE:	ADM 2
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	10 August 2017
ATTACHMENT:	12.4.1 – Shire of Nannup Electoral Code of Conduct

BACKGROUND:

In accordance with Section 4.27(1)(d) of the *Local Government Act 1995* and Section 8 of the *Local Government (Elections) Regulations 1997*, the Returning Officer for any election is to prepare or adopt an electoral code of Conduct for the election that aims to ensure that all electoral officers act:-

- (a) lawfully; and
- (b) professionally; and
- (c) fairly and Impartially; and
- (d) with honesty and integrity; and
- (e) without any conflict of interest,

in relation to the election.

COMMENT:

Once the Electoral Code of Conduct is adopted, the Returning Officer is to provide a copy of the Code to each Electoral Officer and the Officer is to observe and comply with the Code throughout the conduct of the Election process.

The Code has been prepared and is provided as an attachment to the Agenda document.

STATUTORY ENVIRONMENT:

Section 4.27(1)(d) of the *Local Government Act 1995* and Section 8 of the *Local Government (Elections) Regulations 1997*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION

That Council adopts the Shire of Nannup Electoral Code of Conduct as prepared by the CEO in his capacity as Returning Officer for the Shire of Nannup's 2017 Local Government Elections to be held on Saturday, 21 October 2017.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.5
SUBJECT:	Danjangerup Cottages – Deed of Novation
LOCATION/ADDRESS:	Lot 306 Corner of Walter and Cross Streets Nannup
NAME OF APPLICANT:	Government of Western Australia - Housing Authority
FILE REFERENCE:	RES 39740
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT	11 August 2017
ATTACHMENT:	12.5.1 - Deed of Novation – Joint Venture Agreements relating to Lot 306 Corner Walter Street and Cross Street Nannup (Danjangerup Cottages)

BACKGROUND:

Council at its 22 September 2016 Ordinary Meeting authorised the following in respect to the lease of Danjangerup Cottages:-

16119 FRASER/SLATER

That Council authorises the Shire President and CEO to Sign and place Council's Official Seal on the Lease Agreement between the Shire of Nannup and Housing Authority for the Danjangerup Cottages for a period of 21 years at a peppercorn rental subject to the appropriate approvals being granted by the Minister for Lands.

CARRIED (5/1)

VOTING AGAINST THE MOTION: GILBERT

Since that time the CEO, Housing Authority and Danjangerup Cottages Incorporated (represented by Mrs Stephanie Camarri) have been negotiating the execution of a Deed of Novation. The reason for the delay in presenting the Deed of Novation to Council for execution was the fact that Danjangerup Cottages Inc., had expressed concern in relation to the following Clause contained within the Deed:-

4. Release

- (a) *The Continuing Party and the Substitute Party release the Retiring Party from the obligations and liabilities arising under the Contract relating to the period after the Novation Date.*

- (b) *The Retiring Party remains liable to the Substitute Party and the Continuing Party for all of the obligations and liabilities under the Contract arising before the Novation Date.*

- (c) *The Continuing Party and the Substitute Party do not release the Retiring Party from any liabilities which accrued before the Novation Date, even if such liability does not come to the attention of the Continuing Party and the Substitute Party until after the Novation Date.*

Over a period of months and through legal opinions obtained by both the Housing Authority and Danjangerup Cottages Inc., the following revised Clause 4 has now been agreed upon and inserted into the attached Deed of Novation for signing by all parties.

4. Release

The Continuing Party and the Substitute Party release the Retiring Party from the obligations and liabilities arising under the Contract relating to the period after the Novation Date regardless of whether those obligations or liabilities accrued before the Novation Date.

COMMENT:

It is logical that Danjangerup Cottages Inc., as the *Retiring Party*, should not remain liable to the *Substitute Party* (Shire of Nannup) or the *Continuing Party* (Housing Authority) for all of the obligations and liabilities under the Contract arising before the Novation Date. Once the Deed has been signed and the Surplus Funds (approximately \$347,000) has been transferred to the Shire of Nannup as previously agreed by Council, Danjangerup Cottages Inc., will cease to exist as the Incorporated body has previously resolved to dissolve.

The signing of the Deed of Novation by all Parties will enable the orderly ongoing management and leasing of Reserve 39740 into the future.

STATUTORY ENVIRONMENT:

Signing of the Deed of Novation.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Surplus Funds (approximately \$347,000) will be transferred to a specific Shire of Nannup Reserve Fund for Danjangerup Cottages as previously agreed by Council.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023 – Our Community – Strategy 1.2 Our Aged.

RECOMMENDATION

That Council authorises the Shire President and CEO to sign the Deed of Novation in relation to the Joint Venture Agreements with the Housing Authority for Reserve 39740 by releasing Danjangerup Cottages Incorporated and substituting the Shire of Nannup as a party to the original Joint Venture Agreement.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.6
SUBJECT:	Local Laws Review
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 5
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	11 August 2017
ATTACHMENT:	12.6.1 – Repeal Local Law (2017)

BACKGROUND:

Council at its 22 June Ordinary meeting resolved the following in respect to the Local Laws Review:-

17105 SLATER/STEVENSON

That Council, in respect to the conduct of the Local Laws Review conducted in accordance with Section 3.16 of the Local Government Act 1995, and in consideration of the one (1) submission received, undertakes the following:-

- 1. Council repeals the following Local Laws:-**
 - i) By-Laws Relating to the Nannup Public Cemetery (1981)***
 - ii) Local Laws Refuse Site (1999)***

- 2. Council amends:-**
 - i) Dog Local Laws (2014)***

Further, that Council, in accordance with Section 3.12 of the Local Government Act (1995) as detailed below, gives state wide public notice of the intention to make the following Local Laws in order to seek public comment regarding same and that the relevant Ministers be provided copies of the Draft Local Laws in accordance with Section 3.12 (3)(b) of the Act. :-

Repeal Local Law (2017)

PURPOSE: To repeal superfluous and obsolete Local laws.

EFFECT: To allow more efficient and effective local government by removing outdated Local Laws from the public record.

Amendment Dog Local Laws - (2014)

PURPOSE: *To incorporate into the Local Laws recently approved Designated Dog Exercise Areas with the Nannup town site.*

EFFECT: *To ensure that the community is aware of the Designated Dog Exercise Areas and that they are formally contained within the Local Laws*

CARRIED BY ABSOLUTE MAJORITY (7/0)

COMMENT:

On Friday, 11 August 2017, the expiry date for submissions in respect to the advertisements that appeared in the “*West Australian Newspaper*” and the “*Telegraph Newsletter*”, the Department of Local Government, Sport and Cultural Industries provided the following comments in respect to the Local Laws proposed:-

Proposed Amendment Dog Local Laws - (2014)

Dog exercise areas

As a result of recent amendments, dog local laws can no longer prescribe dog exercise or dog prohibited areas.

Local governments now have the power to specify dog exercise areas and dog prohibited areas by an absolute majority resolution. The relevant provisions and penalties are located in section 31 and 32 of the Dog Act 1976, while the relevant modified penalties are specified in regulation 33 of the Dog Regulations 2013.

It is suggested that the Shire delete the insertion of Part 5. The relevant offences and penalties in the Act must be enforced directly, rather than by a local law.

If Part 5 is inserted, it is likely to be invalid and may be raised as an issue by the Delegated Legislation Committee.

Based upon the information received and the fact that Council had previously approved the Dog Exercise Areas by Absolute Majority, no further action on the proposed Amendment proceed.

Repeal Local Law (2017)

The Department has suggested minor edits in wording to reflect best drafting principles and to ensure that the Joint Standing Committee on Delegated Legislation has no objections to the Repeal Local Law.

STATUTORY ENVIRONMENT:

The process to make a Local Law is in accordance with Section 3.12 of the *Local Government Act 1995*.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

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

RECOMMENDATION

That Council notes the comments received from the Department of Local Government, Sport and Cultural Industries in respect to the proposed Local Laws and proceeds with the following actions:-

1. Does not proceed with the adoption of the Proposed *Amendment* to the *Dog Local Laws* incorporating Dog Exercise Areas as dog local laws can no longer prescribe dog exercise or dog prohibited areas;
2. Adopts the *Repeal Local Law (2017)* incorporating the suggested minor edits as proposed by the Department of Local Government, Sport and Cultural Industries;
3. Advertise the *Repeal Local Law (2017)* in the Government Gazette;
4. Submit to the Minister for Local Government, following advertising in the Government Gazette, a copy of the adopted local law;
5. Advertise, as a local public notice, the adoption of the local law; and
6. Submit the Explanatory Memorandum and associated papers to the Joint Standing Committee on Delegated Legislation.

VOTING REQUIREMENTS:

Absolute Majority

AGENDA NUMBER:	12.7
SUBJECT:	Banking Industry – Loan Applications to Developers in Nannup
LOCATION/ADDRESS:	Whole of Shire
NAME OF APPLICANT:	Business Initiative Group Nannup (BIGN)
FILE REFERENCE:	ASS 4
AUTHOR:	Peter Clarke – Chief Executive Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 August 2017
ATTACHMENT:	Nil

BACKGROUND:

Mrs Davina Gibb, Secretary of BIGN, has written to Council to advise that in recent months BIGN has been made aware of some issues regarding negative Bank attitudes with regards to funding investment opportunities in Nannup.

Mrs Gibb advises that BIGN, as the local business representative body in Nannup, would welcome Council's support and assistance to facilitate improving the attitude of investment funding in our region and that hopefully together BIGN and Council can achieve a change in the valuation processes currently adopted by the major Banks.

Mrs Gibb further advises that BIGN believes that there is significant scope for future development in the region of Nannup due to several factors; including but not limited to the completion of Mowen Road, the imminent completion of facilities to enable interstate flights direct into the Busselton Margaret River Regional Airport, which has a close proximity and a number of other commercial developments which will contribute to the economic development of Nannup.

COMMENT:

Councillors would be aware of some of the issues that BIGN are referring to and the frustrations that this has caused for both residents and developers in the district in trying to secure loans from banking institutions for their particular developments.

It was pointed out at the recent meeting of the BIGN that it had contacted the Financial Ombudsman Service Australia (FOS) to lodge a complaint regarding this issue however, it was advised that FOS was unable to consider a complaint of this nature in broad terms, although it would consider the lodgement of an affected individuals complaint.

It was noted by the CEO that contained within the FOS Terms of Reference, the following is stated as to the types of disputes that the organisation is unable to consider:-

- A Financial Service Providers assessment of the credit risk posed by a borrower.

FOS did indicate that the Australian Securities and Investment Commission (ASIC) do act as regulator of the financial lenders but again, aggrieved individuals were the appropriate ones to lodge complaints.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017-2027 – Our Economy – Strategy 2.1 The Big Picture – Encourage and Support more Industry, Businesses and Employment into our Shire.

RECOMMENDATION

That Council notes the concerns raised by BIGN regarding the Banking Industry's reluctance to borrow money to potential investors in the Nannup Shire and that the investigations undertaken by the CEO in respect to this matter be relayed to BIGN and for BIGN to encourage aggrieved individuals to lodge complaints/disputes with the appropriate organisations.

VOTING REQUIREMENTS:

Simple Majority

ECONOMIC & COMMUNITY DEVELOPMENT SERVICES

AGENDA NUMBER:	12.8
SUBJECT:	Nannup Mountain Bike Club Pump Track
LOCATION/ADDRESS:	Marinko Tomas Playground, Warren Rd
NAME OF APPLICANT:	Louise Stokes- Economic & Community Development Officer
FILE REFERENCE:	FNC 60
AUTHOR:	Louise Stokes- Economic & Community Development Officer
REPORTING OFFICER:	Peter Clarke – Chief Executive Officer
DISCLOSURE OF INTEREST:	
DATE OF REPORT:	15 August 2017
ATTACHMENT:	12.8.1 – Design of pump track. 12.8.2 – Photos of proposed site 12.8.3 – Google map site location 12.8.4 – Common Ground Acknowledgement

BACKGROUND:

At the October 2016 meeting Council resolved approves the location between the Marinko Tomas playground and the golf course for the development of a bike pump track through the Nannup Mountain Bike Club.

This project has been funded by the WA Police, through the Office of Crime Prevention.

The Nannup Mountain Bike Club has engaged with local youth, and with consideration from Common Grounds Consultancy in Margaret River, has designed the proposed pump track.

COMMENT:

The location between the Marinko Tomas playground and the Golf Course has been supported by Council. The dimensions of the site are approximately 50m x 20m.

Once the design is approved by Council, construction would commence.

An MOU would be developed between Council and the Nannup Mountain Bike Club outlining maintenance responsibilities. Legal liability would remain with Council, as per the skate park site.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Relocation of the existing pipe/rock play equipment, removal of identified trees, inspection of the pump track prior to opening to the public and annual maintenance inspections.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2013-2023

- Our Community – Strategy 1.1 All of us/Who we are- Support the development of a self-sufficient community
- Our Community – Strategy 1.3 Our youth- Create a youth friendly town.

RECOMMENDATIONS:

That Council approves of the Nannup Pump Track design as presented.

VOTING REQUIREMENTS:

Simple Majority

WORKS & SERVICES

AGENDA NUMBER:	12.9
SUBJECT:	State Roads Funds & Direct Grants Reduction
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK 01
AUTHOR:	Jonathan Jones – Manager Infrastructure
REPORTING OFFICER:	Jonathan Jones – Manager Infrastructure
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	17 August 2017
ATTACHMENT:	12.9.1 – Main Roads Vehicle License Concessions and Direct Grants Correspondence

BACKGROUND:

Main Roads WA has advised a reduction to the Direct Grants pool of the State Road Funds to Local Government Program for 2017/2018 and again in subsequent years.

COMMENT:

The previous State Government introduced the discontinuation of vehicle licence concessions for local government authorities from 1st July 2017.

A motion to disallow the Road Traffic (Vehicles) Amendment Regulations (No 2) 2017 was passed by the Legislative Council on the 27th June 2017 and vehicle licence concessions were returned.

The McGowan Labor Government states that it has committed to budget repair and expects that all sectors of the community contribute to this commitment. As such the Government made a decision to reduce the Direct Grants pool of State Road Funds to Local Government Program by a value of \$10.3 million or a near 42% reduction in 2017/2018 and \$9.8 million in subsequent years.

Based on this reduction, Main Roads WA has updated and finalised allocations for the 2017/2018 program and advised how much individual councils will receive.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The Shire of Nannup was to receive a contribution of \$111,634 as a direct grant in 2017/2018 and this amount is allocated to the Local Roads Maintenance Budget.

Due to the reduction in State Road Funds, the amount to be received this financial year will now be \$64,291 a reduction of \$47,343.

The Manager Infrastructure has estimated that contributions available in subsequent years will be \$65,570 and this reduced contribution will need to be considered in future budgets.

This immediate reduction has potential to reduce road maintenance capability within this financial year and subsequent years. Savings will need to be found within the Local Roads Maintenance Budget for this financial year and allowance made in future budgets.

STRATEGIC IMPLICATIONS: None

RECOMMENDATION:

That Council notes the decision by the State Government to reduce the Direct Grant allocation to the Shire of Nannup by \$47,343 and the implications that this will have on the 2017/2018 Budget and that further consideration to these implications be undertaken when Council undertakes its Budget review in early 2018.

VOTING REQUIREMENTS:

Simple Majority

AGENDA NUMBER:	12.10
SUBJECT:	Main Street Stage 3 Continued Upgrade
LOCATION/ADDRESS:	Shire of Nannup – Nannup Main Street Cross to Kearney Street
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK 01
AUTHOR:	Jonathan Jones – Manager Infrastructure
REPORTING OFFICER:	Jonathan Jones – Manager Infrastructure
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	17 August 2017
ATTACHMENT:	12.10.1 – Main Roads Correspondence

BACKGROUND:

The 2017/2018 Financial Year Budget allows for the continuation of the Main Street Upgrade Stage 3.

The Stage 3 portion of the project is located on Vasse Highway (Warren Road) through the Nannup town site and is a continuation of the Main Street Stage 2 upgrade already completed in the 2016/2017 financial year and Stage 1 completed in 2015/2016.

The section involved in this project is both sides of the road from Cross Street to Kearney Street, an estimated 120 metres.

The intent is to commence works immediately following the weekend of the Nannup Music Festival Tuesday 4th March 2018

The continuation of the Main Street Upgrade project aims to carry on that already completed as in Stage 1 and 2 improving the on-street parking facilities; upgrading drainage, kerbing and footpaths; improve pedestrian safety, the movement of vehicles and enhance and beautify the main street.

Main Roads WA had identified and raised issues with the original design drawings used for the construction of the Main Street Upgrade project. The Shire of Nannup and Main Roads discussed these issues in 2015 and it was agreed that subject to the shire making changes as the work was carried out that Main Roads would allow the shire to complete the project.

Main Roads has again raised the same issue (cobblestone drain) with the drawings in relation to Stage 3 and in addition have now identified road surface

level problems and therefore are reluctant to allow the construction of Stage 3 based on the original drawings.

COMMENT:

Main Roads WA advised by email on the 28th July 2017 they perceive problems with the original design drawings where it shows a reconstruction of the Stage 3 Main Street flat longitudinal grades and cross falls and do not agree on the need for the road reconstruction in respect to the flat longitudinal grades or cross falls. There is also reference to the “Cobblestone drain” in the drawings.

Main Roads has advised it would like the Shire to have the original design drawings for stage 3 redesigned and redrawn and then resubmitted to Main Roads for approval prior to work commencing.

The Manager Infrastructure responded with a letter on the 8th August 2017 to Main Roads outlining disappointment that the design drawings were not approved and that the issue with the longitudinal grades and cross-fall issues had not been addressed by Main Roads prior. The agreement between Main Roads and the Shire, discussed in 2015, to work with the original design drawings and make changes as work proceeded seems to have been forgotten and that there was no response to a letter sent from the shire reiterating and agreeing to the discussed changes.

The Manager Infrastructure advised Main Roads that the Shire has no intent to redesign the drawings and intends to apply the stage 3 works as per the design except for the previously agreed alterations.

The Manager Infrastructure also asked if they intend to carry out seal repair and correction works to address longitudinal grades and cross fall problems prior to the Shire continuing its aesthetics improvements and if Main Roads do not intend to do this or approve the drawings and planned work in its entirety, including proposed road drainage works, that they allow the Shire to carry out aesthetic upgrades (kerbing and paving) work only.

The Manager Infrastructure is waiting on a response as of the 17th August 2017.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

A total of \$183,940 is budgeted in 2017/2018 for the Main Street Stage 3 upgrade. Included within this budget and subject to Main Roads WA approval there is a promised contribution of \$110,000 for drainage improvements.

The funds contributed by Main Roads WA would not be carried over into the following financial year and if approved, would need to be spent before 30 June 2018.

If Main Roads did not approve the upgrade works in their entirety but allow aesthetic improvements (kerbing and footpath paving) only, then the Shire would have available a budgeted amount of \$73,940.

It is estimated a total of \$93,855 would be required to complete the works, a shortfall of \$19,915. This shortfall would need to be sourced from within this financial year budget.

STRATEGIC IMPLICATIONS:

Shire of Nannup Community Strategic Plan 2017 - 2027

RECOMMENDATION:

That Council awaits for a response to the Manager Infrastructure's letter to Main Roads WA and subject to that response:-

1 Pursue its intention to carry out the Stage 3 Upgrade works as per the original design drawings and include underground drainage improvements as per original budget and Main Roads contribution.

2 Or, if drainage design is not approved but approval is given for aesthetic improvements, Council carries out only the Stage 3 Aesthetic Improvements with the Council endorsed portion of the 2017 2018 budget and contribution to the shortfall from within this budget.

VOTING REQUIREMENTS:

Absolute Majority

AGENDA NUMBER:	12.11
SUBJECT:	Hitchcock Drive Footpath and Verge Damage
LOCATION/ADDRESS:	Hitchcock Drive - Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	WRK 01
AUTHOR:	Jonathan Jones – Manager Infrastructure
REPORTING OFFICER:	Jonathan Jones – Manager Infrastructure
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	17 August 2017
ATTACHMENT:	None

BACKGROUND:

In early 2017 a substantial portion of the footpath on Hitchcock Drive within the Moonlight Ridge subdivision was identified as suffering severe degradation and collapse due to water scouring under the pathway. Due to pedestrian safety concerns the path was removed and replaced with compacted limestone until it could be replaced.

The Manager Infrastructure contacted the original subdivision developer Mr Trevor Hine, to request his agreement to allow the Shire of Nannup to utilise a maintenance bond of \$16,381 being held by the Shire to assist in the replacement of the pathway.

At the time, Mr Hine was reluctant to release the bond monies to be used for the proposed works and indicated that the bond should be returned to him.

Council was advised by the Manager Infrastructure in February 2017 that the issue of the Bond money was unresolved and at this time could not be used to assist with repairs.

As there was insufficient funds available within the 2016/2017 budget the concrete path was not replaced.

Due to heavy vehicle movement, winter rainfall and subsequent water scouring, a portion of the verge + the limestone base has washed out.

COMMENT:

Since the limestone base work was completed the limestone material and an existing undamaged concrete pathway further down the street has been driven on with a loader and excavator used by Mr Hine who is developing his property

adjacent to Hitchcock Drive. Subsequently the limestone has been displaced onto the road, having been scoured by water runoff and the concrete path has collapsed.

Local residents contacted the Shire asking that something be done to rectify the situation. The washed material was removed from the road and continues to be cleaned by the shire to maintain road user safety. Residents have been contacted and assured that discussion is taking place with Mr Hine and the Shire with the intention to reinstate the damaged footpath.

A meeting took place with Mr Hine on the 28th July 2017, attended by the Chief Executive Officer and the Manager Infrastructure to discuss the effect on local residents, damage caused by machinery, use of and agreement of the bond money held by the Shire to assist with repairs to reinstate the footpath.

A follow up email was sent to Mr Hine from the Chief Executive Officer reiterating why the bond money should be retained by the Shire and for it to be utilised to enable the shire to reinstate the footpath.

Mr Hine responded with an email arguing that the bond money was held by the Shire in the event that the developer had refused or failed to rectify faults at the end of a liable period and states that full liability was handed to the Shire in 2009 after a successful final inspection.

Mr Hine claims that the 1st section of damaged footpath has collapsed under its own weight but admitted damaging the 2nd section. In the email Mr Hine goes on to try and explain the cause of continuing erosion in this particular section of the subdivision.

It is the opinion of the Manager Infrastructure that the original footpath failed due to being under engineered to cope with the steep terrain and water flow both under the ground and on the surface.

There is no evidence of a suitable base course being constructed prior to the path being laid, there is no reinforcement mesh (F62 or heavier) in the cement or suitable sub drains installed to carry away water in a controlled manner to prevent scouring under the path.

As the base under the path had already washed away, the paths own weight has caused collapse and further to this, heavy equipment has now been driven over another section causing more damage.

It is probably unlikely that Council will be able to utilise bond moneys held by the Shire to assist in the reinstatement of the path without argument from Mr Hine.

The Manager Infrastructure advises of two options to rectify this situation:

1. Construct new pathway - Construct a new 161 metre section of pathway that is properly engineered and constructed from the top of the hill to join up with the current undamaged section further down the hill. This will require removal of 130 cubic metres of the existing base material and old pathway, reinstatement with compacted and stabilised crushed rock, installation of sub drainage (agg pipe), new reinforced cement path and replacement kerbing where damaged.

or,

2. Excavate, backfill and reinstate verge – Do not construct a pathway. Remove 130 cubic metres of the existing soil base and old pathway, backfill and reinstate 161 metres of affected verge with compacted and stabilized crushed rock to kerb height with the inclusion of sub drainage (agg pipe) and tie in with the undamaged path. This work does not include new kerbing.

The proposed constructed re instatement would allow water to flow through and into the sub drainage and out onto the road surface. The compacted rock would remain stable and not wash out from behind the kerb or down the hill.

Both options would require ground conditions to dry out before work was able to commence and allow movement of plant on the road verge.

A suitable sized (50 – 100mm) and sufficient quantity of crushed rock is currently available from a shire borrow pit.

If verge or footpath reinstatement was carried out, existing and future private land and building development activities would need to be restricted and controlled to fixed crossover points to avoid potential damage to new sub drainage installation.

STATUTORY ENVIRONMENT:

Nil.

POLICY IMPLICATIONS:

WRK 7 Driveway Crossovers

WRK 9 Road Verge Development

WRK 11 Town Site Verge Maintenance Areas

FINANCIAL IMPLICATIONS:

There is a total of \$16,366 allocated for Footpath Works and a total of \$27,016 described as Verge Maintenance – Contractors within the 2017/2018 Financial Year Budget.

The cost to carry out the verge repair works described within the 2017/2018 Financial Year may be sourced from either these budgeted amounts. Use of these for the work described would reduce footpath works or verge maintenance works within this financial year.

There is the potential for failure of the existing undamaged pathway due to poor sub base and non-existent reinforcement mesh. This failure may impose further cost on council in future years.

- | | |
|----------|-----------------------------------------------------|
| Option 1 | \$58,316.00 Construct new pathway |
| Option 2 | \$15,911.00 Excavate, backfill and reinstate verge. |

STRATEGIC IMPLICATIONS:

Nil

RECOMMENDATION:

That staff continue to negotiate with Mr Hine for the utilisation of the Bond monies for the reinstatement of the footpath on Hitchcock Drive and that if all avenues fail in these negotiations, landowners in Hitchcock Drive be informed of the following:-

1. That Council will not reconstruct a new cement pathway due to the fact that the original footpath failure was due to it being under engineered to cope with the steep terrain and water flow both underground and on the surface, and the costs involved for reinstatement, and;
2. That Council will only reinstate the verge as described in Option 2 with a stable backfill and sub drainage installation utilising a portion of the amount allocated for Verge Maintenance – Contractors in the 2017/2018 budget.

VOTING REQUIREMENTS: Simple Majority

FINANCE & ADMINISTRATION

AGENDA NUMBER:	12.12
SUBJECT:	Budget Monitoring – June 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	16 July 2017
ATTACHMENT:	12.12.1 - Financial Statements for the period ending 30 June 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 30 June 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:

The attached financial statements detail financial outcomes for 2016/17.

STRATEGIC IMPLICATIONS:

Nil.

RECOMMENDATION:

Monthly Financial Statements for the period ending 30 June 2017 be received.

VOTING REQUIREMENTS:

Simple Majority.

Shire of Nannup
Ordinary Council Meeting Agenda: 24 August 2017

AGENDA NUMBER:	12.13
SUBJECT:	Monthly Accounts for Payment - July 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	16 July 2017
ATTACHMENT:	12.13.1: Accounts for Payment – July 2017 12.13.2: Credit Card Transactions – July 2017

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 July 2017 to 31 July 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	9610 – 9682	269,580.30
Accounts paid by cheque	20200 – 20208	19,212.53
Accounts paid by Direct Debit	DD9904.1 – DD9912.8	31,667.57
Sub Total Municipal Account		<hr/> \$320,460.40

Trust Account

Accounts paid by EFT	0.00
Accounts Paid by cheque	0.00
SubTotal Trust Account	<u>\$0.00</u>
Total Payments	<u>\$320,460.40</u>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$320,460.40 1 July 2017 to 31 July 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.**
- 15. MEETING CLOSED TO THE PUBLIC**
(Confidential Items)
 - 15.1 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
9.1		BIG N 13 July Meeting Minutes
9.2		Warren Blackwood Alliance of Councils 31 July Meeting Minutes
9.3		Local Emergency Management Committee 2 August Meeting Minutes
9.4		Bush Fire Advisory Committee 7 August Meeting Minutes
12.1	1	Concept Plan
	2	Submissions and recent DBCA correspondence
	3	Recent correspondence from applicant
	4	Location map
	5	Cadastral map of locality
12.2	1	Proposed amending provisions
	2	Submissions
	3	Schedule of submissions
12.4	1	Shire of Nannup Electoral Code of Conduct
12.5	1	Deed of Novation – Joint Venture Agreements relating to Lot 306 Corner Walter Street and Cross Street Nannup (Danjangerup Cottages)
12.6	1	Repeal Local Law (2017)
12.8	1	Design of pump track.
	2	Photos of proposed site
	3	Google map site location
	4	Common Ground Acknowledgement
12.9	1	Main Roads Vehicle License Concessions and Direct Grants Correspondence
12.10	1	Main Roads Correspondence

Shire of Nannup
Ordinary Council Meeting Agenda: 24 August 2017

12.12	1	Financial Statements for the period ending 30 June 2017
12.13	1	Accounts for Payment – July 2017
	2	Credit Card Transactions – July 2017