



Shire of
Nannup
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Minutes

Council Meeting held
23 May 2013
at 4.15pm

CONFIRMATION OF MINUTES

These minutes comprising pages 1 – 53 were confirmed by
Council on 23 May 2013 as a true and accurate record.

.....
Tony Dean
SHIRE PRESIDENT

Minutes

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

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

ATTENDANCE:

Councillors; Dean, Camarri, Dunnet, Gilbert, Mellema, Longmore, Lorkiewicz and Steer

Robert Jennings - Chief Executive Officer

Vic Smith - Manager Corporate Services

Chris Wade – Manager Infrastructure

VISITORS: 5

APOLOGIES: None

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE

(previously approved)

None

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Ms P Fraser

Q1. My previous question did not refer to native title, can you review the response.

Mrs Fraser refers to agenda item 11.2 of the January meeting in her question. That item was concerned with the consultation on South West Native Title claims. In the debate Council discussed concerns about access to a block of land but this was not a planning issue. The previous response to the question was therefore appropriate.

4. PUBLIC QUESTION TIME

Ms P Fraser

Q1. Did the Shire President attend the Bowling Club meeting on the 7th May or 21st May.

Shire President replied

A1. No, he did not attend either of those meetings.

Q2. In reference the Recreation Centre redesign, does the Bowling Club still fit?

Shire President replied

A2. Yes, The Bowling Club fits into the plans should they decide to move.

Q3. Was the Shire open on Anzac Day, 25th April 2013?

Chief Executive Officer replied

A3. No.

Q4. Did the outside workers get paid triple time on that day?

Manager Infrastructure replied

A4. The work done was traffic management for the Anzac March and was Shire related work.

Q5. Would like to thank Council for doing up Beggars Road, but why wasn't the blue metal spread around the recycling area?

Manager Infrastructure replied

A5. Council delivered the blue metal but it was up to Contractors to spread the blue metal.

Mr S Adorian

Q6. Has there been any progress on organising the building files?

Chief Executive Officer replied

A6. About 70% have been done with the balance being done soon.

Q7. Has there been any follow up on dog laws?

Manager Corporate Services replied

A7. This will be looked at as part of the review of local health laws.

Q8. Is there a chance of getting a permanent doctor in town and is the contract being fulfilled?

Chief Executive Officer replied

A8. Bridgetown have currently provided a 4-5 day per week service. We continue to meet regularly with the Department of Health to discuss opportunities.

As for a permanent doctor, this is an issue for the private sector to take up and we would support such an initiative.

Ms C Brown

Q9. Is there a statutory requirement to provide public copies of the agenda?

Question taken on notice.

Q10. Is Council aware that the agenda this month was not on the website and not emailed out?

Chief Executive Officer replied

A10. Thank you for the observation, this will be addressed.

5. APPLICATIONS FOR LEAVE OF ABSENCE

None

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

None

7. DECLARATIONS OF INTEREST

There was 1 declaration of Interest presented.

Cr Lorkiewicz: in proximity to location of

Agenda 11.2 – Conservation subdivision Lot 701 Gold Gully Rd

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8956 STEER/DUNNET

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 18 April 2013 be confirmed as a true and correct record.

CARRIED 8/0

9. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

None

10. REPORTS BY MEMBERS ATTENDING COMMITTEES

Count Me in Steering Group

Town Hall centenary

SWLGEMA

South West Food Bowl Group

11. REPORTS OF OFFICERS

| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.1 |
| SUBJECT: | Local Planning Policy No. 20 – Developer and Subdivider Contributions: Submitted for adoption |
| LOCATION/ADDRESS: | Applies throughout the municipality |
| NAME OF APPLICANT: | Shire |
| FILE REFERENCE: | ADM 9 |
| AUTHOR: | Steve Thompson, Consultant Planner |
| REPORTING OFFICER: | Robert Jennings – 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 | 13 May 2013 |

- Attachments 1. Revised Local Planning Policy No. 20 Developer and Subdivider Contributions (LPP 020)
2. Submissions

BACKGROUND:

This report sets out the public consultation outcomes and seeks Council’s final adoption of *Local Planning Policy No. 20 Developer and Subdivider Contributions*. The recommended adopted version of the policy is set out in Attachment 1 and incorporates minor amendments from the version that was publicly advertised. Recommended amendments are outlined in “highlight” or “strikeout”.

By way of background, the Council at its meeting on 28 February 2013 resolved the following at resolution number 8909:

“That Council:

- 1. Support the public release of draft Local Planning Policy 20 – Developer and Subdivider Contributions, outlined in Attachment 1, and require the draft policy to be publicly advertised in accordance with the requirements set out in the Shire of Nannup Local Planning Scheme No. 3 for a period of six (6) weeks.*
- 2. Will reconsider draft Local Planning Policy 20 – Developer and Subdivider Contributions following the close of the public submission period and will determine whether or not to adopt the policy with or without modifications.”*

In accordance with the Council resolution, the Shire administration consulted extensively for a 6 week period through writing to and inviting comments from relevant stakeholders and government agencies, placing public notices in local papers on multiple occasions, placing details on the Shire website and having information available at the Shire office.

The Shire received five submissions on the draft policy, all from State Government agencies, and these are provided in Attachment 2. No submission objected to the draft policy.

COMMENT:

1. Overview

It is suggested that the Council is now in a position to finally adopt *Local Planning Policy No. 20 – Developer and Subdivider Contributions*. It is recommended that Council adopts the version as set out in Attachment 1 which is slightly amended from the advertised version. The modifications were made by the Shire administration to increase clarity.

Considering the extensive consultation that occurred on the draft policy, which resulted in five submissions (and no submission objecting), it can only be assumed that there is no objection to the policy.

2. Why the policy is required

While noting the above, there is a need to carefully consider the implications of the policy relating to developer/subdivider contributions. This includes the Council's approach to promoting appropriate subdivision/development, its limited budget, considering whether the community or the developer meets the cost of providing/upgrading infrastructure (e.g. roads, paths etc.) and rising expectations (especially from newer members of the community) that infrastructure in regional areas should increasingly be similar to that experienced in metropolitan areas.

The reasons for the development of the policy include:

- there is no current Council policy on developer/subdivider contributions;
- ensuring Council's financial sustainability is not compromised;
- seeking to address, in part, cost-shifting from the Commonwealth and State Government;
- rising community and stakeholder expectations;
- "user-pay" and equity considerations; and
- changing development/subdivision context.

The sections below will expand on the above points.

There are on-going issues of "cost shifting" for this Shire and other local governments with increased responsibilities and costs being passed from the Commonwealth and State Governments to local government. Typically, where Commonwealth and State Government funding is provided, it does not address on-going operational funding to meet the costs of providing the service and/or address depreciation and associated costs of maintaining or replacing the infrastructure, service or facility.

This Council, like most other local government authorities, faces considerable challenges to meet the demands placed on it from the community, government agencies and other

stakeholders. Critically, community/stakeholder expectations typically rise (for instance in the expected standard of roads, playgrounds and other facilities etc.). Additionally, there is also increasing pressure from the local community and others for the Shire to provide “non-traditional” services and facilities often without sustainable funding for the “life” of the service/facility. Further, there are rising environmental standards and “best practice” which all lead to increased costs for the provision and/or maintenance of infrastructure, services and facilities with the costs needed to be appropriately met by suitable sources.

There are various “user-pay” and equity considerations regarding who pays the cost of providing or improving the infrastructure, services and facilities. It is suggested that developers/subdividers that benefit from their proposal being implemented (including increased land values) and who create off-site impacts/demands should also be required to meet or contribute to the impacts/demands arising from their proposal. Such an approach adopts “user-pay” principles and assists to reduce the burden placed on the Council to provide infrastructure, services and facilities for an anticipated growing population. User-pay principles, including policies and schemes for developer/subdivider contributions, are well-established as a means of funding infrastructure, services and facilities throughout Australia. They are also consistent with State Planning Policy 3.6.

Adopting appropriate user-pay principles for developer/subdivider contributions is considered preferable to the alternative approach of the local community effectively subsidising the developer/subdivider and/or receiving substandard infrastructure, services and facilities. This could occur, for instance, if the Council meets the cost of providing the service and the provision and/or upgrading of infrastructure/facilities, which arguably should be the responsibility of the developer/subdivider. It is suggested that the local community should not be adversely impacted as a result of new development/subdivision. Further, it is considered reasonable to expect developers/subdividers to meet or contribute towards the cost and/or provision of required infrastructure, services and facilities arising from their proposal’s impacts/demands.

There are various development/subdivision proposals that are being formulated in the municipality, which if implemented, would result in increasing impacts/demands on existing Council infrastructure, services and facilities and the associated provision and/or upgrading of Council’s infrastructure, services and facilities.

It is suggested that unless appropriate developer/subdivider contributions are sought, the Council will become less financially sustainable over the longer-term and the local community will be adversely impacted (through either subsidising the development/subdivision or through having sub-standard infrastructure, services and facilities). Additionally, it will place increased pressure to appropriately maintain existing infrastructure, services and facilities let alone deal with the issues of increased development, subdivision, population, and impacts on infrastructure, services and facilities etc. Accordingly, it is suggested that contributions from developers/subdividers will become increasingly important in this municipality.

3. Balancing certainty and flexibility

A key challenge with the policy is balancing certainty and flexibility, given such factors as:

- the municipality is varied in terms of its geography;
- the availability and standard of infrastructure, services and facilities etc.; and
- there are considerable variations in development/subdivision circumstances including the nature of the proposal, location, and potential for additional development/subdivision in the area.

An example of the challenges is outlined below. In an urban area, such as Perth or a major regional centre, the location of new development and likely densities/numbers can be relatively accurately determined. This is not as straight forward in non-urban areas where the location of more intensive development (such as tourist development, rural industries etc.) is more “footloose” and it is more difficult to predict development and timing. Accordingly, the lower level of density, lower level of development, larger distances and nexus considerations also represent challenges in non-urban areas and a different methodology or methodologies are suggested.

As a result, this makes developing a “uniform” policy that adequately addresses all circumstances and proposals problematic. Further, a uniform policy does not address the legal requirement for Council to consider each proposal on its merits and consider the potential off-site impacts/demands of the development/subdivision.

Based on the above, it is suggested that the most pragmatic approach is for a contributions policy to set out the particular issues that Council will take into consideration in assessing proposals on a case by case basis. This will ensure that anticipated impacts/demands on infrastructure, services and facilities are appropriately assessed. Accordingly, this reflects the need for the policy to outline principles/process and associated flexibility as opposed to addressing specifics (such as the actual standard or financial contribution) in order that the policy can be effectively implemented.

The policy does not include actual developer/subdivider contribution costs (given that they can change quickly and there would be a need to readvertise the policy), however certain costs could, in future, be identified in Council’s Budget through its Fees & Charges Schedule. Further, most contribution amounts will require an individual assessment to ensure that contributions meet the required legal tests.

The policy, if adopted, seeks a consistent approach (subject to relevant factors being equal related to the proposal, its location, current servicing levels etc.) and equity in the manner in which contributions are required.

4. Key features of the policy

The policy proposes that many development applications (single house, sheds/outbuildings for domestic use etc.) will not require contributions unless there is a unique issue to address (for example, the site does not have access to a public constructed road). Development applications that are likely to require an appropriate contribution, to address off-site impacts/demands, include tourist development or an extractive industry located on an unsealed road.

Applications for boundary adjustments (where no additional titles are created) or amalgamations are typically not proposed to be subject to off-site contributions (unless the site does not have access to a constructed public road). Subdivision applications will be assessed on their merits including considering the number of additional lots being proposed, the location of the subdivision, existing infrastructure, services, and facilities, anticipated impacts/demands of the subdivision/associated development (including determining the existing volume of traffic compared to the anticipated increase etc.).

The policy focuses on “hard” infrastructure (roads, drainage, the provision of required land for public open space etc.) rather than “soft” infrastructure such as community and recreation facilities. It is highlighted that seeking appropriate developer contributions for hard infrastructure is consistent with established WAPC practice and policy.

Should the Council also seek to include soft infrastructure in the policy, it is highlighted that the Council will need to commit to funding and/or developing:

- a Community Infrastructure Plan (in accordance with *State Planning Policy 3.6*);
- a Capital Expenditure Plan;
- cost apportionment methodology; and
- an amendment to the *Shire of Nannup Local Planning Scheme No. 3*.

All of these matters will take considerable time and funding to address. Given the above, the policy focuses on hard infrastructure.

5. Developer/subdivider perspectives

Developers/subdividers generally seek a consistent application of policy, do not want large costs imposed that were not anticipated at the time of acquiring the property (they seek as much certainty as possible), and typically view costs (including developer/subdivider contributions) on their impact on profit (for instance, the average cost per lot/unit including contributions compared to the likely financial return). Arguably, developers/subdividers may be more willing to accept the contribution if it results in a better standard of development/subdivision, assists to increase marketability through improved infrastructure, services or facilities, or which leads to increased value of the site etc.

Subject to the proposed developer/subdivider contribution being equitable for any proposal, it is suggested that the policy will not create overall impact on the viability for most developments/subdivisions proceeding in this municipality. Undoubtedly, there will

be some developers/subdividers who consider the policy will make their project unviable. Some of these proposals may be in relatively isolated areas with either non-existent or sub-standard infrastructure, services and facilities, where substantial development/subdivision may be inappropriate for various reasons, including creating unsustainable demands on infrastructure, services and facilities.

Where developers/subdividers consider the policy will make their project unviable, the Council will need to consider the merits of the development/subdivision proposal, the reasons put forward by the proponent as to why the contribution should not apply, anticipated impacts/demands of the proposal, and weigh-up on-going Council financial sustainability and equity considerations.

No submissions were received from the development industry or the business sector on the draft policy. Beyond the widespread advertised consultation, 20 groups, businesses and individuals were contacted directly for comment.

6. Legal tests of planning conditions

Planning conditions which are imposed as a result of implementing Council's Local Planning Scheme and/or Council's Local Planning Policies, including the Developer and Subdivider Contributions Policy, are required to meet key legal tests of validity. In summary, a planning condition must:

- be imposed for a proper planning purpose (including matters set out in the *Planning and Development Act 2005* and Council's Local Planning Scheme) and whether the condition, in the particular circumstances of the case, fulfils the proper planning purpose;
- reasonably relate to the subject matter of the planning approval – the condition must have a “nexus” with the development/subdivision;
- be reasonable – including what the developer/subdivider is expected to realise from the development/subdivision and also consideration of public and private interests, the allocation of scarce resources, and the availability of infrastructure and services; and
- be final, precise, certain and enforceable.

7. Next steps

The draft policy was publicly advertised for community and stakeholder comment and no issues or objections have been raised. It is now suggested that the Council finally adopts the updated policy set out in Attachment 1. This will provide increased guidance to Council and the Shire administration in assessing development applications, providing recommendations to the WAPC on subdivision applications and determining scheme amendment and structure plan requests.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005 and *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*. Section 2.4 of LPS3 provides the ability to prepare, amend or rescind a Planning Policy.

POLICY IMPLICATIONS:

Local Planning Policies are non-statutory documents which provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policy but is required to have regard to the policy in determining planning applications.

FINANCIAL IMPLICATIONS:

Unless appropriate developer/subdivider contributions are sought, the Council will become less financially sustainable and it will place increased pressure to appropriately maintain existing levels of infrastructure, services and facilities (let alone deal with the issues of increased development, subdivision, population, impacts/demands on infrastructure, services and facilities etc.). It is therefore suggested that contributions from developers/subdividers will become increasingly important in this municipality.

Should the Council not support a more comprehensive developer/subdivider contributions policy, it weakens the Shire administration being able to successfully negotiate appropriate outcomes of behalf of the local community. In-turn, not obtaining appropriate developer/subdivider contributions is expected to result in:

- sub-standard services, infrastructure and facilities that may also present increased safety issues;
- pressure for Council to meet associated costs which may be unbudgeted and do not feature in Council's Strategic Plan or Council's Plan for the Future;
- funding impacts on other Shire operational matters (which could impact the Shire undertaking its statutory requirements);
- leading to Council being less financially sustainable; and
- equity issues for the local community.

There were costs to the Shire in advertising the policy.

STRATEGIC IMPLICATIONS:

The policy, if adopted will assist:

- the decision-making of the Council, the Shire administration and other stakeholders;
- to promote Council financial sustainability;
- to inform developers/subdividers as to where contributions are required; and

- to raise community and stakeholder awareness regarding the funding of infrastructure, services and facilities.

Adoption of the policy is anticipated to result in wide ranging economic and community/social implications and some of these are outlined in this report and in the attached policy.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

That Council:

1. Adopt *Local Planning Policy 20 – Developer and Subdivider Contributions* as set out in Attachment 1.
2. Advise submitters of the above and thank them for their input into the process.
3. Advise the Western Australian Planning Commission regarding the above.

8957 LORKIEWICZ / DEAN (Proforma)

That Council:

1. Adopt *Local Planning Policy 20 – Developer and Subdivider Contributions* as set out in Attachment 1.
2. Advise submitters of the above and thank them for their input into the process.
3. Advise the Western Australian Planning Commission regarding the above.

CARRIED 8/0

Cr Lorkiewicz declared an impartiality interest due to the proximity of the item.

8958 DUNNET/STEER

Cr Lorkiewicz to stay, participate and vote on item 11.2 – Conservation subdivision of Lot 701 Gold Gully Road.

CARRIED 5/2

Voting for the motion: Dunnet, Gilbert, Longmore, Mellema and Steer.

Voting against the motion: Dean and Camarri.

| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.2 |
| SUBJECT: | Conservation subdivision |
| LOCATION/ADDRESS: | Lot 701 Gold Gully Road, East Nannup |
| NAME OF APPLICANT: | Halsall & Associates |
| FILE REFERENCE: | TPL 9: 147858 |
| AUTHOR: | Steve Thompson, Consultant Planner |
| REPORTING OFFICER: | Robert Jennings – 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 | 13 May 2013 |

- Attachment
1. Location plan
 2. Subdivision plan
 3. Extract of documentation from applicant

BACKGROUND:

The Western Australian Planning Commission (WAPC) has referred subdivision application No. 147858 to the Shire for comment. The reason the Council is considering this application is that a rural “conservation” lot is proposed. While conservation lots can be approved in rural areas through WAPC policy, there have been limited conservation lots proposed and created in the Shire of Nannup.

The site has an area of 101.55 hectares, contains approximately 38 hectares of remnant vegetation and contains a tree plantation (intended to be harvested in the next 2 years). The site is zoned “Priority Agriculture 2” in the *Shire of Nannup Local Planning Scheme No. 3* and is within Rural Planning Precinct NR2 of the Local Planning Strategy (2007). The Local Planning Strategy does not set out guidance relating to conservation lots.

The application is to create a lot of 80.12 hectares for agricultural/rural use (Lot 101) and create a conservation lot of 21.43 hectares (Lot 102). The applicant proposes to place 38.2 hectares of remnant vegetation in a conservation covenant in favour of the Department of Environment and Conservation.

The site's location is outlined in Attachment 1. The subdivision plan is set out in Attachment 2 while an extract of the documentation provided by the applicant is outlined in Attachment 3. Attachment 3 provides background information which is not elaborated on in this report.

COMMENT:

The application to create the conservation lot is conditionally supported given it will protect the remnant vegetation in perpetuity through the conservation covenant and will retain a large agricultural/rural holding of 80 hectares. Lot 102, if approved and created, will be freehold land and a dwelling and shed can be developed in the building envelope.

It is suggested that the application complies with the spirit and intent of WAPC *Development Control Policy 3.4 Subdivision of Rural Land* (summarised in "Statutory Environment") relating to conservation of biodiversity and natural heritage.

The key issues with the application include:

- managing fire risk, given that the site has an extreme bush fire risk. A fire management plan has been prepared by an experienced practitioner which is available to Councillors on request. It is recommended that a subdivision condition be included to ensure the fire management plan is to the satisfaction of the Shire and the Department of Fire and Emergency Services and the plan appropriately implemented prior to the creation of titles. To assist in reducing bush fire risk, a building envelope is proposed for the conservation lot;
- upgrading of Gold Gully Road – the subdivision and associated development will increase traffic volumes and it is suggested that a subdivision condition be requested to appropriately upgrade the road as a result of the subdivision at no cost to the council; and
- the size of the conservation lot of 21.43 hectares and implications for assessing future applications. While WAPC policy allows for the creation of conservation lots, it is suggested that the review of the Local Planning Strategy (2007) should provide greater guidance for conservation lots in the municipality and the "balance" agricultural/rural lot. This includes guidance on lot size, given that the Shire has considerably more remnant vegetation in percentage terms than most other municipalities in Western Australia. While noting the above, until either the Local Planning Strategy is updated or there is a WAPC policy change, it is suggested that no conservation lot in rural areas should be smaller than 20 hectares.

STATUTORY ENVIRONMENT:

Planning and Development Act and the Shire of Nannup Local Planning Scheme No. 3.

The following is an extract from WAPC *Development Control Policy 3.4 Subdivision of Rural Land*:

“4.8 Conservation of biodiversity and natural heritage

Conservation lots may be created to preserve significant environmental features and remnant vegetation provided that:

- a) The vegetation has been identified and agreed as worthy of protection in an approved strategy, catchment plan, or a specific assessment carried out by an appropriate expert on behalf of the subdivider in accordance with the principles for clearing native vegetation contained in schedule 5 of the *Environmental Protection Act 1986* (appendix 4).
- b) The Department of Environment and Conservation, National Trust of Australia (WA) or another relevant agency has provided advice endorsing the suitability of the lot for the intended purpose of retaining environmental values including the adequacy of the area if it is less than 40 ha, and has provided in-principle agreement to administer the necessary conservation covenant.
- c) Generally at least 85 per cent of the area of the conservation lot has high environmental values or is covered by native or regenerated vegetation and/or wetland.
- d) The proposed conservation lot has an appropriate shape having regard for the native vegetation, natural features, bush fire management, farm management and existing or proposed structures.
- e) A conservation covenant in perpetuity with the Department of Environment and Conservation, the National Trust of Australia (WA) or an alternative authority acceptable to the WAPC is registered on the certificate of title and that covenant includes provisions that:
 - (i) prohibit further clearing (other than for necessary land management requirements);
 - (ii) clearly delineate a building envelope and/or building exclusion area also shown on the subdivision plan; and
 - (iii) prohibit stocking outside any existing cleared area.”

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 701 Gold Gully Road, East Nannup (WAPC reference

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147858) and requests the following standard conditions:

| No. | Code | Condition |
|-----|------|--|
| 1 | B8 | Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on proposed Lot 102 on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government) |
| 2 | EN10 | A restrictive covenant, to the benefit of the Department of Environment and Conservation, pursuant to Section 129BA of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). (Department of Environment and Conservation) |
| 3 | EN11 | A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows: <i>"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."</i> (Local Government) |
| 4 | F2 | A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's <i>Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)</i> to the specifications of the local government and/or the Fire and Emergency Services Authority. (Fire and Emergency Services Authority) OR (Local Government) |
| 5 | T5 | Satisfactory arrangements being made with the local government for the proponent to pay for the partial upgrading of Gold Gully Road. (Local Government) |

8959 CAMARRI/GILBERT

That Council advise the Western Australian Planning Commission that it supports the proposed subdivision of Lot 701 Gold Gully Road, East Nannup (WAPC reference 147858) and requests the following standard conditions:

| No. | Code | Condition |
|-----|------|--|
| 1 | B8 | Prior to commencement of subdivisional works, a detailed plan identifying building envelope(s) on proposed Lot 102 on the approved plan of subdivision is to be prepared in consultation with the local government to ensure the appropriate siting of development, to the satisfaction of the Western Australian Planning Commission. (Local Government) |
| 2 | EN10 | A restrictive covenant, to the benefit of the Department of Environment and Conservation, pursuant to Section 129BA of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land to protect areas identified for conservation. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). (Department of Environment and Conservation) |
| 3 | EN11 | A restrictive covenant, to the benefit of the local government, pursuant to section 129BA of the <i>Transfer of Land Act 1893</i> is to be placed on the certificate(s) of title of the proposed lot(s) advising of the existence of a restriction on the use of the land. Notice of this restriction is to be included on the diagram or plan of survey (deposited plan). The restrictive covenant is to state as follows: <i>"No development is to take place outside the defined building envelope(s), unless otherwise approved by the local government."</i> (Local Government) |
| 4 | F2 | A fire management plan being prepared, approved and relevant provisions implemented during subdivisional works, in accordance with the WAPC's <i>Guideline Planning for Bushfire Protection Edition 2, May 2010 (in particular Appendix 3)</i> to the specifications of the local government and/or the Fire and Emergency Services Authority. (Fire and Emergency Services Authority) OR (Local |

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Ordinary Council Meeting Minutes: May 2013**

| | | |
|----------|----------------|--|
| | | Government) |
| 5 | T5 | Satisfactory arrangements being made with the local government for the proponent to pay for the partial upgrading of Gold Gully Road. (Local Government) |
| <u>6</u> | <u>unknown</u> | <u>A management plan for feral animals and weeds be presented to and approved by Council</u> |

CARRIED 8/0

Reason for change:

To ensure that potential problems with weeds and feral animals are mitigated.

| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.3 |
| SUBJECT: | Recreation Centre Upgrade |
| LOCATION/ADDRESS: | N/A |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | REC 2a |
| AUTHOR: | Louise Stokes- Community Development Officer |
| REPORTING OFFICER: | Robert Jennings – Chief Executive Officer |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 28 April 2013 |

- Attachments
1. Public comments
 2. Plans of the Recreation
 3. QS estimate

BACKGROUND

At the February 2013 meeting, it was resolved:

That Council receive the revised plans for the Recreation Centre and advertise the plans for a period of thirty days for public consultation once the revised Quantity Estimates are received.

The Recreation Centre plans and Quantity Estimates (attachment 3), were advertised for public comment at the Nannup Eziway noticeboard and at the Shire offices. Notification was promoted on the Shire website, in the Shire Notes in the Telegraph, in the email newsletter and on posters around town. A comments book was held on the front desk and information on the plan at Eziway invited comment via email to the Shire.

COMMENT

Two comments were received during the public consultation period and are included as attachment 1. A response has been received from the Architect Edwin Bollig and a summary of the main points includes:

Comments from C. Brown:

Kitchen

The kitchen is located too far from main recreation hall for event catering; the suggestion is to rotate the layout so that kitchen is closer to the hall and for ease of transporting goods.

Response from Architect:

The kitchen as proposed to be a part of the new building is not very far from the Hall and in fact is relatively short compared to many hotel function facilities. We have no problem with rotating the building anti clock wise but if you recall the sports clubs wanted a strong visual relationship to the oval. The placement of the toilets to the darts area would place toilets at the main entry point to the facility which in our opinion would be detrimental to the project as a whole. Possibly placing the toilets into the youth facility and adjacent to the new change rooms and then the kitchen where the toilets are as with the kiosk but the kiosk ends up very hidden in the depths of the development and away from the action which is not encouraging for sales.

Toilets

As the existing toilets are absent in the new plans, will users of the recreation centre (eg basketball, badminton players, etc) be required to use the toilets in the change room areas? If so, then access to toilets from the existing hall is not very user friendly (...through general purpose room, along corridor, through change room...) Or would patrons be required to use the toilets in the new wing? This would require users of the hall to be issued with 2 sets of keys - both buildings?

Response from Architect:

This is a management issue and we cannot comment other than to say that sports users would use the change rooms and others/visitors/spectators we would envisage would use the new WC's as these were meant to be flexible and reciprocal uses. For smaller groups of visitors the two disabled WC's could be used.

Disabled toilets

These toilets are marked in the green section of the amended rec centre, however there is also a room marked "DIS. WC". Are there 2 sets of toilets for disabled or is this an error? There are no disabled toilets drawn in the new wing. Will disabled patrons using the "function room" be required to access disabled toilets in the main building? (This does not seem appropriate/fair). If this is the case, then why allocate space in the new wing to able bodied patrons when they too could use toilets in the main building?

Response from Architect:

There are two disabled WC's because one is the old one and one is new and code compliant which is a statutory requirement. *This response from the architect does not answer part of the question and further clarification will be sought from the Architect.*

Store Rooms

The 3 storage rooms could be interconnected by large doors (unless the storage areas are likely to be used for individual storage for groups).

Response from Architect:

This is management issue as any subdivision is easily retrofitted.

General Purpose Room

The use of this room is questioned and is a dead zone with no specified use. It would be better utilised if the doors to these 2 rooms were accessed from the passage leading to the change rooms so this area can be developed into either a larger servery area or storage.

Response from Architect:

We agree this space is wasted but it was a request from council to refer to this space accordingly. If budgets were greater we would suggest redesigning this area.

Office

What will the office in the green section be used for? I believe this area would be better utilised being retained as toilets for patrons using the existing hall.

Response from Architect:

Based on discussions this is a multi-purpose office for sporting groups or future manager to utilise.

Comments from C. Gilbert.

Deletion of Kiosk

There is a suggestion to delete the kiosk and to utilise the kitchen with a servery instead.

Response from Architect:

The kiosk was a specific requirement discussed with user groups and yes it can be deleted but in these situations usually for reasons of security the kiosk is separated from the clubroom/function kitchen. Again a rear servery as proposed is even further away from the action of the oval.

Office

There is a suggestion to include an office into the proposed youth space.

Response from Architect:

The office with an access window if required can easily be accommodated. The utility room is a community choice as is their relocation and the reduction in size of the youth facility. In terms of the redesign to the change rooms we believe that this will ignore the need for internal court users to have internal access to the change rooms which was not as briefed or discussed with the PCG.

Plastic Blinds

There is a suggestion to incorporate overhead support for installation of clear plastic blinds for use in inclement weather.

Response:

The plastic blinds would be classified as 'fit out' and could be retrofitted to the complex subject to budget allocations.

OFFICER COMMENT:

The Architect's comments are a comprehensive report in response to the comments arising from the community consultation.

The general purpose area will be re-designed when the Stage 2 upgrade is completed. It is not anticipated that there will be a substantial change to the current facilities and the budget as confirmed by Council already at capacity for the 2013/14 budget allocation, community fundraising and corporate sponsorship. We are seeking a final design from the architect based on this officers comment.

Access to the existing toilets can be achieved and would simplify the design. Linking of the storage space is logical. Both of these items should be implemented.

If required (based on the results of the tender), cost savings may also be achieved by removing the southern store room to allow for mechanical services to the west of the building or for reduction of the change room works scope. A redesign of the general purpose room and office as well as the removal of the kiosk would then make sense.

The youth space is currently being investigated to incorporate either a gymnasium or crèche, as these two items were rated as important during community consultation. An office and utility room is another option for the use of these spaces.

Additional verbal feedback requests the inclusion of a track around the Recreation centre. This would be multi-purpose and utilised by runners, cyclists and walkers and the Quit Forest Rally. There is opportunity to incorporate side gymnasium exercise elements into this course. There is merit in this proposal and can be considered once the main facility is constructed. This could be a separate funding application to Lotterywest through their trails funding program or to the Department of Sport and Recreation through their physical activity program.

Some of the submitted suggestions with regard to the kitchen and kiosk do have merit, but they must be balanced with prior feedback from user groups. Council must decide on the final plan.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2011/12-2015/16 Program 11.A - Recreation and Culture. That Council undertake upgrade to the Recreation and Community Centre per adopted plans and funding available.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

1. That Council receive the public consultation feedback.
2. That Council direct Bollig Design to incorporate improved access to the toilets in the Recreation Centre, link the storage spaces, add rooms to the north end of the Youth Space, allow for an external multi-purpose track and commence documentation and detailed drawings for the Stage One Recreation Centre upgrade.

8960 DEAN/DUNNET

1. That Council receive the public consultation feedback.
2. That Council direct Bollig Design to incorporate improved access to the toilets in the Recreation Centre, link the storage spaces, add rooms to the north end of the Youth Space, allow for an external multi-purpose track and commence documentation and detailed drawings for the Stage One Recreation Centre upgrade.

CARRIED 7/1

Voting for the motion: Dunnet, Camarri, Dean, Longmore, Mellema and Steer

Voting against the motion: Gilbert

| | |
|-------------------------|---|
| AGENDA NUMBER: | 11.4 |
| SUBJECT: | Caravan Park Development Plan |
| LOCATION/ADDRESS: | Nannup |
| NAME OF APPLICANT: | Shire of Nannup |
| FILE REFERENCE: | TRS 5 |
| AUTHOR: | Daniel Eddy – Caravan Park Manager |
| REPORTING OFFICER: | Robert Jennings – Chief Executive Officer |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 11 May 2013 |

Attachment 1. Nannup Caravan Park Business and Development Plan

BACKGROUND:

The Nannup Caravan Parks have been handed back to council to manage after many years of under development. The Council has employed a professional caravan park manager to:

- Manage two local caravan parks
- Implement a strategy to develop both parks to a profitable, compliant and sustainable level
- Allocate the \$200,000 in RTR funding in the most practicable way to develop the two parks

An earlier draft plan has been presented to Council, with the current draft presented to Council for adoption consideration.

COMMENT:

The Nannup Caravan Park Business and Development Plan is a two year development plan with ten year projections. It has the following objectives:

1. To ensure that both parks develop in a sustainable, profitable and compliant manner.
2. To ensure both parks become an asset for both the council and the community of Nannup.
3. To enable the Council to plan and fund its future development of the parks effectively.
4. To create a tourism destination.
5. To enable the Council to maintain these two assets to deliver an agreed level of service and quality.

6. To create a business that allows an accumulation of profits over ten years to allow asset maintenance and further development.

Key Findings

The following key findings have been taken from the Executive Summary:

- After researching the clients that NCP is currently attracting, both through internet sites and verbal polling of customers, a niche for the south west and in particular, Nannup has been identified. A simple caravan park with affordable prices can be marketed towards grey nomads, couples, travellers and families. Providing basic camping with reasonable, clean facilities would be the most cost effective way of marketing the park.
- Riverbend can be marketed towards large groups such as four wheel drive clubs, camping groups, motor bike clubs, car clubs, sporting clubs and large groups of family and friends. It can also be opened for peak weekends other than the Nannup Music Festival such as Easter and Christmas.
- Using the allocated \$200,000 grant in the most practical way by beginning compliance upgrades whilst focusing on increased turnover and capacity.
- Riverbend Camp Ground can be developed with minimal cost to maximise potential income. It can be marketed towards clubs and groups looking for an old fashioned camping experience with minimal facilities. It can also be used as an overflow park for peak weekends. With the minimal cost, this would be the priority development.
- Brockman Street Caravan Park can be developed as an old fashioned caravan park with no onsite accommodation and good basic facilities. The market has already been defined as those that are seeking the quiet camping by the Blackwood River with adequate facilities.
- Within the next 12 months the shire will have as an asset, two caravan parks being utilised in a profitable manner. If the development goes according to plan and the business starts to grow as expected, there will be more expenditure in the community as well as future employment opportunities for local people.
- From the estimates, the park will pay back the initial Royalties for Regions investment of \$200,000 and go into a positive accumulated position in year 7 (2020).

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

Attached projections show indicative costs and expenditure.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

Council adopt the draft Nannup Caravan Park Business and Development Plan as set out in the Attachment.

8961 LONGMORE/MELLEMA

Council adopt the draft Nannup Caravan Park Business and Development Plan as set out in the Attachment.

CARRIED 8/0

| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.5 |
| SUBJECT: | Regional Bicycle Network Local Government Grants Funding 2013/14 |
| LOCATION/ADDRESS: | N/A |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | FNC 60 |
| AUTHOR: | Louise Stokes – Community Development Officer |
| REPORTING OFFICER: | Robert Jennings – Chief Executive Officer |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 7 May 2013 |

BACKGROUND:

Funding acknowledgement has been received of \$25,000 from the Department of Transport through their Regional Bicycle Network Local Government Grants program. As this funding is over \$5,000, Council is required to accept the funding as per Council policy FNC 6.

The grant funding is to construct a dual path between the Nannup Health Service and Struthers Street along Carey Street.

COMMENT:

This dual use path links the Nannup Health Service with the Nannup District High School through a residential area. This upgrade has been requested for several years by residents concerned for the safety of children walking on the road to and from school.

There is a requirement for Council to contribute 50% to this grant and the total project value is \$50,000.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

\$25,000 Council contribution to dual path construction to be included in the 2013/14 budget.

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2010/11 – 2014/15:

Program 12.1B Develop and implement footpath construction in accordance with adopted program

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

That Council accept the funding of \$25,000.00 from the Department of Transport to construct a dual path between the Nannup Health Service and Struthers Street along Carey Street.

8962 GILBERT/LORKIEWICZ

That Council accept the funding of \$25,000.00 from the Department of Transport to construct a dual path between the Nannup Health Service and Struthers Street along Carey Street.

CARRIED 8/0

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| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.6 |
| SUBJECT: | Lotterywest Funding Application- Community Storage Sheds |
| LOCATION/ADDRESS: | N/A |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | RES 21220b |
| AUTHOR: | Louise Stokes – Community Development Officer |
| REPORTING OFFICER: | Robert Jennings – Chief Executive Officer |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 13 May 2013 |

BACKGROUND:

A funding application has been developed by the Nannup Music Club, Nannup Garden Village, Nannup Arts Council and Nannup Advisory Council to Lotterywest for shared equipment and an extension to the community storage sheds on Kearney Street. As the proprietor of the sheds the application would be submitted by Council.

The sheds are currently at storage capacity and the additional bay would be utilised to reduce the volume of equipment in the current sheds to adhere to Occupational Health and Safety requirements and to store equipment sourced from the proposed Lotterywest grant.

COMMENT:

In the Asset Management Plan the community sheds are listed as a disposable asset. Currently the Community Shed groups do not pay any fees to Council as part of the MOU agreement. If the shed extension is approved there is opportunity to review the MOU documentation and incorporate an annual rental figure.

The commercial rental of one shed bay is estimated to be \$1,200. Current maintenance and repairs undertaken by Council on the community sheds includes annual white ant inspection, baiting program for vermin, power, cleaning gutters and repairing/replacing keys and locks. It is estimated that annual costs are \$400. It is proposed that under a new MOU arrangement community groups would be charged an annual rental of \$200, raising a total of \$600 per year to cover ongoing maintenance and repairs from 2014/15. Council would not charge the Nannup Youth Advisory Council rental as this is a Shire Advisory Committee.

The community groups are contributing \$500 each towards the grant application as an in-kind contribution.

STATUTORY ENVIRONMENT: None.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS:

Shire of Nannup Forward Plan 2010/11 – 2014/15:

Program 13.2B Support the Nannup Music Festival, Flower and Garden activities and other regular Nannup events

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATIONS:

1. That Council submit a funding application to Lotterywest for shared equipment and extension to the community shed.
2. If the application is successful, a new MOU is prepared with proposed rental fees of \$200.00 per group charged.

8963 MELLEMA/DUNNET

1. That Council submit a funding application to Lotterywest for shared equipment and extension to the community shed.
2. If the application is successful, a new MOU is prepared with proposed rental fees of \$200.00 per group charged.

CARRIED 8/0

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| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.7 |
| SUBJECT: | Adoption of the Shire of Nannup Community Plan 2013-2023 |
| LOCATION/ADDRESS: | N/A |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | ADM 29a |
| AUTHOR: | Robert Jennings, Chief Executive Officer |
| REPORTING OFFICER: | Robert Jennings, Chief Executive Officer |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 8 April 2013 |

Attachments: 1. Shire of Nannup Draft Community Plan 2013 – 2023, Separate Cover
2. Advertising for the Community

BACKGROUND:

As a result of the August 2011 amendment to the Local Government Act 1995, the Act now incorporates a statutory requirement for local government in Western Australia to produce a set of strategic planning documents through an integrated planning process. The Shire of Nannup currently has the Interim Strategic Plan in place and prior to that the Forward Plan. The Strategic Community Plan will replace both these documents. All strategic planning arrangements must now be fully in place by 1 July 2013.

As Council are aware, officers in conjunction with Council and community have been progressing the Strategic Community Plan since 2011. The attached document, referred to as the 'Community Plan' represents the culmination of these processes.

COMMENT:

The Strategic Community Plan provides background information on the process and the community and identifies the key results of the consultation process. Three areas of focus – Leadership, Environment and Community/ Economy are further divided into the six areas listed below with the following community priority/ direction.

Our Community

| <i>Objectives</i> | <i>Strategies</i> |
|-------------------|-------------------|
|-------------------|-------------------|

Our Aged:

We respect and value our aged

Provide an aged friendly environment

Support the Nannup hospital in providing an exemplary health service

All of Us / Who we are:

We take pride in being a small, friendly town that is a nice place to live full of wonderful people. We will role model self sufficiency and sustainability as a community

Promote a connected, safe and healthy town

Value our heritage and festivals

Support the development of self-sufficient community

Our Youth:

Our youth are important and we will focus our energy to give them reasons to stay in Nannup (or come back)

Partner the Nannup District High School to become a school of choice for all

Create a youth friendly town

Increase public transport to adjoining towns

Our Economy

| <i>Objectives</i> | <i>Strategies</i> |
|-------------------|-------------------|
|-------------------|-------------------|

The Big Picture:

We will have a sustainable, innovative and equitable economy

Promote innovative ideas and value add to businesses

Work collaboratively with State and Federal Government agencies to improve our economy

Encourage and support more businesses and employment into our Shire

Promote employment for our youth

Tourism/Recreation:

Working together to attract people to our amazing Shire

Support the tourism providers to promote our district

Marketing and branding of our Shire to promote regional produce and services

Increased and varied trails throughout the district

Our Built Environment

| <i>Objective</i> | <i>Strategies</i> |
|---|---|
| Our Shire and Streetscape: Keep the charm and fabric of our unique shire and upgrade the amenity | Well maintained quality infrastructure for our community and visitors and promote activity Capture and promote our unique charm and fabric Maintain our unique town look and feel |
| Planning and Building: Providing a quality planning outcome for community benefit through good consultation | Sustainable growth for the benefit of the community Develop the south coast access and recreation opportunities |
| Our Communication: Improve all forms of communication in the Shire | Improve all forms of communication within the shire |

Our Natural Environment

| <i>Objective</i> | <i>Strategies</i> |
|--|--|
| Our Sanctuary We will protect our amazing nature, magnificent forests, managed bush land, rivers, agriculture and our pristine coastline | Protect our natural assets Improve awareness and increase public responsibility for our environment |
| Our Location We live in the centre of the South West, perfectly located for community and amenity | Maintain good working relationship with neighbouring shires Keep our beautiful combination of natural landscapes and built environments |
| Our sustainable future We see a green clean future | To promote healthy lifestyle and alternate methods of transport |

To provide a sustainable, co-habitable
community and promote food security

Our Community Leadership

| <i>Objective</i> | <i>Strategies</i> |
|--|---|
| Listen To listen and partner with our community leaders and all our diverse groups | Listen to the people Support existing and emerging community groups |
| Working Together To have united community groups working together | Meeting of major community groups to share resources and goals |

Our Council Leadership

| <i>Objective</i> | <i>Strategies</i> |
|---|--|
| Lead, Listen, Advocate, Represent And Provide: A listening leadership that provides and represents all | Be an exemplar of sustainability Provide a listening leadership that represents the people Be a role model for a cohesive and healthy community Provide a stable, consistent and honest government |
| We are one To do what is right and fair for the people | To do what is right for the people - for betterment of majority of community Develop a policy on diversity Maintain good working relationship with neighbouring shires |

The Strategic Community Plan goes onto identify actions and measurements of success as well as link areas of existing Council services, projects and external agencies involved. Importantly, the Strategic Community Plan articulates the role of Council in each action.

It must be recognised by Council that the information arising from the Community consultation is a snapshot of the community's point of view at a particular moment in

time. Whilst Council should strongly listen to this view when developing a Strategic Community Plan, there is other information and elements that the community would be unaware of or have not considered that should be included. An example of this would be matters beyond the control or responsibility of Council.

During the final consultation process (refer to attached documentation) there were no further submissions received. It is therefore recommended that Council adopts the Strategic Community Plan.

STATUTORY ENVIRONMENT:

The Local Government Act 1995 provides the statutory framework for strategic planning in local government.

POLICY IMPLICATIONS:

There will be considerable policy implication as a result of the Strategic Community Plan and the subsequent development of the Corporate Business Plan. The revisions will be followed through over the coming years.

FINANCIAL IMPLICATIONS:

No external funding was obtained for the development of the Integrated Planning documentation. Other Councils received considerable funding from the Department of Local Government as a result of expressing a desire to conform with the Amalgamation process.

STRATEGIC IMPLICATIONS:

Of all the strategic processes in the organisation, the Strategic Community Plan and Corporate Business Plan are the most important in providing short, medium and long term strategic planning strategies for the organisation. Whilst the change to the way the organisation formulates strategic planning will take some effort to complete, it is expected that significant future benefits will arise from the process.

VOTING REQUIREMENTS: Absolute Majority

RECOMMENDATION:

That Council adopts the Strategic Community Plan as per the attachment and makes the document publically available to the community and stakeholders by mail-out of the summarised document.

8964 DUNNET/LONGMORE

That Council adopts the Strategic Community Plan as per the attachment and makes the document publically available to the community and stakeholders by mail-out of the summarised document.

CARRIED 8/0

| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.8 |
| SUBJECT: | Asset Management Strategy |
| LOCATION/ADDRESS: | Nannup |
| NAME OF APPLICANT: | Shire of Nannup |
| FILE REFERENCE: | ADM 29 |
| AUTHOR: | Vic Smith – Manager Corporate Services |
| REPORTING OFFICER: | Vic Smith – Manager Corporate Services |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 11 May 2013 |

Attachment 1. Draft Asset Management Strategy

BACKGROUND:

As part of the Integrated Planning Framework the Council is required to produce a number of documents that set out its approach to asset management. These are:

1. Asset Management Policy
2. Asset Management Strategy
3. Asset Management Plan

The existing Asset Management Policy was reviewed by Council at its meeting on 18 April 2013 and the Asset Management Plan will be brought before Council for approval on 27 June 2013.

The draft Asset Management Strategy is presented to this meeting for approval.

COMMENT:

The Asset Management Strategy is an overarching document that defines the Council's overall approach to asset management. It sits above the Asset Management Policy and the Asset Management Plan and has the following objectives:

1. To ensure that asset management practices are applied consistently across the organisation.
2. To enable the Council to plan and fund its work programs effectively.
3. To enable the Council to deliver services to its community.
4. To enable the Council to maintain its assets to deliver an agreed level of service.

STATUTORY ENVIRONMENT: Local Government Act 1995.

POLICY IMPLICATIONS

There will be considerable policy implication as a result of the Asset Management Strategy and the subsequent Asset Management Plan that affect the way in which the Council manages its assets. The revisions will be followed through over the coming years.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS

The Asset Management Strategy sets the overall philosophy that the Council will adopt in the strategic short, medium and long term in relation to planning for its assets. Significant future benefits are expected to arise from the process.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

Council approve the draft Asset Management Strategy as set out in Attachment 1.

8965 LONGMORE/CAMARRI

Council approve the draft Asset Management Strategy as set out in Attachment 1.

CARRIED 8/0

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| | |
|-------------------------|---|
| AGENDA NUMBER: | 11.9 |
| SUBJECT: | Memorandum of Understanding – Nannup Bowling Club |
| LOCATION/ADDRESS: | Nannup |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | ADM 36 |
| AUTHOR: | Vic Smith – Manager Corporate Services |
| REPORTING OFFICER: | Vic Smith – Manager Corporate Services |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 10 May 2013 |

Attachment 1. Memorandum of Understanding – Nannup Bowling Club

BACKGROUND:

Council adopted a standard lease document at its meeting on 28 July 2011 that is to be used as the basis for all future leases of council property. It was noted in the Strategic Implications section of the report that:

Council's adopted Forward Plan contains targets which include the review of leases at 2 Brockman Street (Action Plan 9.2 (E)), Nannup Bowling Club (Action Plan 11.1 (C)), implementation of a lease for Recreation Centre premises (Action Plan 11.2 (E)) and the Visitor Centre (Action Plan 13.3 (C)).

Since the adoption of the standard lease document officers have been working to implement the document for new leases and to review its application to existing leases.

At its meeting on 18 April 2013 Council rejected the officer recommendation that a commercial rental be applied to the Nannup Bowling Club and indicated that any agreement for the use of the premises should be in a simpler format than the standard lease agreement.

COMMENT:

Officers have been unable to locate any previous agreement relating to the use of the Nannup Bowls Club. A draft tenancy agreement dated 2003 and a draft lease dated 2011 have been located but do not appear to have ever been executed.

A draft Memorandum of Understanding (MOU) governing the use of the Nannup Bowling Club is set out at Attachment 1. This is based on the draft tenancy agreement and draft lease agreement.

The commercial rental valuation of the building is \$200 per week; however, in accordance with guidance given by Council the draft MOU does not set a rental for the occupation of the building. The water rates and other utility charges relating to the reserve, which also includes the Town Hall, are paid by the Council. Under the terms of

the draft MOU the utility charges attributable to the Bowling Club would become the Club's responsibility. The allocation of these charges will be reviewed by officers but are expected to be approximately \$1,300 per annum.

STATUTORY ENVIRONMENT: Residential Tenancies Act

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: The full commercial rental value of the building that would be foregone is \$10,400 per annum.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATIONS

That the draft Memorandum of Understanding as set out in Attachment 1 is approved.

8966 LORKIEWICZ/MELLEMA

That Council;

1. Approve the draft Memorandum of Understanding as set out in Attachment 1 is approved,
2. Send a letter to the Nannup Bowling Club in recognition of their contribution in maintaining and improving the building.

CARRIED 8/0

Reason for change:

To formally recognise the contribution of the Nannup Bowling Club towards the development of the building.

8967 LORKIEWICZ/CAMARRI

That Council suspend standing orders.

CARRIED 8/0

Standing Orders were suspended at 17.34hrs.

8968 LORKIEWICZ/GILBERT

That standing Orders be resumed.

CARRIED 8/0

Standing Orders were resumed at 17.39 hrs.

| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.10 |
| SUBJECT: | Review of Delegations |
| LOCATION/ADDRESS: | Nannup |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | ADM 22 |
| AUTHOR: | Vic Smith – Manager Corporate Services |
| REPORTING OFFICER: | Vic Smith – Manager Corporate Services |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 10 May 2013 |

Attachments: 1. Register of Delegations 2012/13, Separate Cover
 2. Revision to Delegation 78

BACKGROUND:

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

Where a delegation is delegated further from the Chief Executive Officer to a subordinate officer this is noted in the delegation.

The Local Government Act 1995 Section 5.46(2) states that a local government is to review its delegations to officers at least once every financial year. The most recent review was March 2012.

COMMENT:

The proposed Register of Delegations 2012/13 is circulated under separate cover for ease of reference. Wording which is recommended for deletion is shown as crossed through and new wording as underlined.

In carrying out this review officers have checked the current delegations to the various laws and regulations set out in the delegation and the recording requirements to the current file plan. The Local Government Guidelines (No. 17) on delegations has also been reviewed. The legislative powers in the delegation titles have simply referred to the general power to delegate to the Chief Executive Officer, with the details embedded within the delegation wording. To improve transparency the actual power is now set out in the delegation titles in detail.

Various amendments have been made as a result of this review:

1. Various delegations make reference to the Local Government (Miscellaneous Provisions) Act 1960. All of the sections referred to in this Act have now been repealed and replaced. Most of these have been incorporated into the Building Act 2011 or the Local Government (Uniform Local Provisions) Regulations 1996.
 - Delegation 1 has been amended to remove the reference to Section 9.10 of the Local Government Act as this does not set out the appointments referred to.
 - Point 5 of Delegation 3 has been deleted because this is already covered in Delegation 4. Similarly the reference to Section 3.47 of the Local Government Act 1995 in Delegation 4 has been deleted as this is a reference to the powers in Delegation 3.
 - The reference to Information Reports in Delegation 14 has been removed as the regulations only refer to information presented at the Council meeting itself.
 - The provisions in Delegation 32 now fall within Regulation 11 of the Local Government (Uniform Local Provisions) Regulations 1996 and have been incorporated into Delegation 24.
 - Delegation 32 has been amended to incorporate the provisions of Regulation 17 of the Local Government (Uniform Local Provisions) Regulations 1996, which refers to construction on public thoroughfares. This has not previously been incorporated into the Scheme of Delegations and is recommended for inclusion to improve administration.
2. Some delegations are inconsistent with the wording in the Bush Fires Act 1954 and have been amended accordingly.
 - The wording of Delegation 46 has been amended to reflect the wording in the Bush Fires Act 1954. This does not refer to any power to suspend a prohibited burning period. Instead, it refers to permission being granted to persons to

burn during a prohibited burning period. It does not refer to any “proscribed burning purposes” and this wording has therefore been deleted.

- The powers contained in the Sections 17 and 18 of the Bush Fires Act 1954 can only be delegated to the Shire President and the Chief Bush Fire Control Officer jointly. There is no provision to delegate these powers to the Chief Executive Officer or any other person.
- The powers in Delegation 50 no longer fall within the remit of the Community Emergency Services Manager.
- The wording of Delegation 68 has been slightly modified in line with the wording in the Bush Fires Act 1954. The delegation has also been extended to the Chief Bush Fire Control Officer.

Council, at its meeting on 27 September 2012, resolved to authorise the Chief Executive Officer to be the designated person relating all matters relating to Planning Infringement Notices, including sections 228, 229, 230 and 231 of the *Planning and Development Act*. These powers are now set out in the new Delegation 79.

The Consultant Planner has reviewed the other planning delegations. Delegations 76 and 78 can be combined into a single delegation, which would replace Delegation 78. The wording for the new delegation is set out in Attachment 2.

Delegation 11 makes reference to the Forward Plan and its review. This requirement will be superseded by the new duty to prepare an Integrated Community Plan but remains in force in the meantime.

STATUTORY ENVIRONMENT:

Local Government Act 1995 Section 5.42.

POLICY IMPLICATIONS:

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

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Absolute Majority.

RECOMMENDATION:

That, pursuant to Section 5.42 of the Local Government Act 1995, Council:

1. Approve the delegation to the Chief Executive Officer to determine applications for constructions on public thoroughfares as set out in Delegation 32 of Attachment 1.

2. Approve the revision to Delegation 78 as set out in Attachment 2
3. Approve amendments to the remaining delegations, as shown in Attachment 1.

8969 DUNNET/LORKIEWICZ

That, pursuant to Section 5.42 of the Local Government Act 1995, Council:

1. Approve the delegation to the Chief Executive Officer to determine applications for constructions on public thoroughfares as set out in Delegation 32 of Attachment 1.
2. Approve the revision to Delegation 78 as set out in Attachment 2.
3. Approve amendments to the remaining delegations, as shown in Attachment 1.
4. Develop suitable policies for delegations 46 and 47 to Council approval.

CARRIED 8/0

Reason for the change:

To improve the management of the delegations.

AGENDA NUMBER: 11.11
SUBJECT: Proposed 2013/14 Fees and Charges
LOCATION/ADDRESS: Nannup
NAME OF APPLICANT: Shire of Nannup
FILE REFERENCE: FNC10
AUTHOR: Vic Smith – Manager Corporate Services
DISCLOSURE OF INTEREST: Nil.
DATE OF REPORT: 12 May 2013

Attachment 1. Proposed Schedule of Fees and Charges for 2013/14.

BACKGROUND:

Officers have reviewed Council’s fees and charges for the services it offers for the 2013/14 financial year. The attached list shows the current and proposed fees and charges.

These fees and charges will be used to develop the 2013/14 budget due to be presented to Council on 27 June 2013. They reflect Council’s view that fees and charges should be based on a “user contributes” principle.

COMMENT:

For 2013/14 all fees and charges have been reviewed in the light of what the market will bear and statutory requirements; a base uplift of 5% has been applied. Fees have then been considered for reasonableness and rounded to a manageable figure for practical application. In future years fees and charges will continue to be maximised to reduce the burden on ratepayers.

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

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

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

Administration Fees

A new fee of \$5 has been introduced for the bulk sale of history books. These are purchased from the council and resold by the CRC.

Fees for administrative tasks are required to reflect the actual cost of the work involved; fees for the electronic provision of minutes and agendas have therefore been removed. Council information reports are not public documents and the fees for the provision of these documents have been removed.

Recreation Fees

Fees relating to the use of the Community Centre have been removed as responsibility for this facility now rests with the Nannup Sports and Recreation Association under the terms of their lease.

Fees for the long term hire of the Town Hall and Recreation Centre have been standardised at a single rate, rather than applying the existing variable rate, to simplify administration. The fee shown for the separate hire of the changing rooms has been removed and this is included in the standard fee.

Although the fees and charges include a fee for the hire of the tennis courts no fees have ever been levied for this; this fee has been removed.

Fees have been introduced for the hire of a projector and Nordic poles, which is new equipment not previously available for hire.

Fire Control

Fees are now included for the administration of the compliance work for fire break infringements. These fees represent legal charges incurred by the council in processing fire break fines.

Dog Registration

Statutory fees relating to pensioner concessions and farm dogs have previously been omitted from the Council's fees and charges; these have now been included.

Waste

The service charge for domestic refuse collection has been increased by 10% but the fee for recycling collection has been frozen, representing an overall increase of 3.6% for a standard property. This is the approach adopted at the last budget and seeks to introduce an increased differential between the two types of collection to encourage recycling.

The introduction of the tip pass fee in 2012/13 introduced a number of administrative issues. A small number of requests were received for a second tip pass for a single property because there was another individual in residence. This was an unanticipated outcome of the introduction of the tip pass fee and a charge has been introduced to cover this. It was also noted that a number of people residing in Jarrahwood had been using the Nannup tip, even though they are residents of Busselton. Requests for tip passes were refused in these cases as there was no basis for making a charge; a fee of twice the standard Nannup resident's charge has been introduced to cover this situation.

The fees for the receipt of tyres have been reviewed and adjusted to ensure that they more than cover the cost of disposal.

Planning Fees

Statutory planning fees are shown at the current levels; the Local Government Planning Charges outlined within Planning Bulletin 93/2011 will continue to apply until the full review of the fees requested by the Parliamentary Joint Standing Committee on Delegated Legislation is completed. It is anticipated that the review will be completed in time to revise the fees charged for the 2013/14 financial year. Should the Town Planning (Local Government Planning Fees) Regulations be updated any changes to the fees will be incorporated into Council's Fees and Charges if received prior to the adoption of the budget, currently scheduled for the Ordinary July meeting of Council.

Other planning fees have been increased by 5% and reviewed by the Consultant Planner. The format of the document has been amended to make the charges easier to read and the following modifications to the fee structure have been made:

- A single fee of \$139 has been introduced to cover application fees for advertising signs to replace the existing structure which differentiates between different types of sign. This will make administration of these applications much simpler and be clearer for applicants.
- A standard fee has been introduced for applications in respect of timber plantations to simplify administration.

Caravan Park

The fee structure for the caravan park is now included in the Council's fees and charges; this reflects the fees listed in the caravan park business plan.

The recommendation is to endorse the proposed fees and charges and they will be formally adopted when Council adopts the budget in total, currently scheduled for the Ordinary Meeting of Council on 25 July 2013.

STATUTORY ENVIRONMENT: Local Government Act 1995 Sections 6.16 and 6.17.

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: Council's 2013/14 budget.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

That Council endorse the proposed Fees and Charges for 2013/14 as listed for inclusion in the 2013/14 budget.

8970 CAMARRI/MELLEMA

That Council endorse the proposed Fees and Charges for 2013/14 as listed for inclusion in the 2013/14 budget.

CARRIED 8/0

| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.12 |
| SUBJECT: | Budget Review – April 2013 |
| LOCATION/ADDRESS: | Nannup Shire |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | FNC 8 |
| AUTHOR: | Tracie Bishop – Finance Officer |
| REPORTING OFFICER: | Vic Smith – Manager Corporate Services |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | 15 May 2013 |

Attachments: 1. Table Showing Detailed Variances for 2012/13
2. Monthly Financial Statements for the period ending 30 April 2013

BACKGROUND:

It is a statutory requirement that Council report monthly on the financial activity from all the various operating and capital divisions. Previously this has resulted in all variances of 10% or more being identified and reported. While this achieved the objective of showing these variances as at the date of the report, a lot were the result of timing, as opposed to actual variances that will carry through to the end of year figures. This report focuses attention on only those variances that are expected to impact on the end of year position.

The report format does not reflect the detailed requirements as set out in Section 34(1) of the Local Government (Financial Management) Regulations 1996. In order to comply with legislation these statements are provided at Attachment 2. This covering report identifies all of the major variations; other variations as shown in the statutory statements are due to timing differences.

The report has been broken down showing over and underspends in both operating and capital divisions. The second column from the right shows the current variances and the end column shows the anticipated final figures.

COMMENT:

The savings that are anticipated for the end of this financial year are expected to be \$1,035,898. The vast majority of this relates to capital projects where expenditure lags the receipt of income to fund the project. For example, projects such as the recreation centre upgrade and the main street upgrade are dependent on income from Royalties for Regions; this income is only now being received. The expenditure relating to these types of projects will therefore be carried forward into 2013/14.

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After removing these amounts from the overall movement we anticipate that the actual carried forward figure for this year will be a \$24,102 overspend. This is shown in the table below.

| | <i>Savings \$</i> |
|---|---------------------|
| Gross saving expected for the year | |
| Income – under received | \$72,852 |
| Expenditure – savings made | -\$1,108,750 |
| Total Gross Saving | -\$1,035,898 |
| Less: Savings to be carried forward income | -\$60,000 |
| Less: Savings to be carried forward expenditure | -\$1,000,000 |
| Net overspend at end of the year | \$24,102 |

Full details of all variances, including all the savings which will be carried forward, are contained within Attachment 1. There are significant savings found within fuels and oils, parks and gardens and insurances. These are primarily the result of efficiency savings achieved during the year and the shorter distances travelled as a result of the construction of Mowen Road has saved on fuel expenditure. The savings returned on insurance is a result of anticipated increases within this industry not reaching levels expected.

Income variances are primarily as a result of funding from grants being received later than expected and lower interest on investments. In other areas transaction volumes have been lower than expected for example, commission received from Department of Transport, town planning income, venue hire. There have also been reductions within this area from mobile bin fees. This is as a result of a bin audit conducted this year which revealed less bins in use than previously listed.

The final figure for the new addition of a caravan park has now been analysed up to the end of April 2013. As this project is only in its first year of operation, there were no historical figures on which to base our original estimations. The full cost of this project, at this point in time is under constant review as a result. It is anticipated that on an operational level there will be a loss of approximately \$55,000. This comprises \$5,000 of increased expenses and \$50,000 of lost income as a result of the park not being in our control for a full twelve months. For the first three months of this financial year the park was under the control of the Nannup Tourist Association. Capital costs are \$80,000, which results in an overspend of \$10,000 in this area.

As a result of the lag in receipt of grant income we anticipate that capital expenditure will be lower than originally budgeted. Projects that will be carried forward and included in the 2013/14 budget include the Recreation Centre upgrade, and Heart of Nannup projects.

For a more detailed explanation of the variances and the actions being taken to address them please refer to Attachment 1, which has included all variances to date.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS: None.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple Majority.

RECOMMENDATION:

It is recommended that the Monthly Financial Statement for the period ending 30 April 2013 be received.

8971 DUNNET/GILBERT

It is recommended that the Monthly Financial Statement for the period ending 30 April 2013 be received.

CARRIED 8/0

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| | |
|-------------------------|--|
| AGENDA NUMBER: | 11.13 |
| SUBJECT: | Month Accounts for Payment, April 2013 |
| LOCATION/ADDRESS: | Nannup Shire |
| NAME OF APPLICANT: | N/A |
| FILE REFERENCE: | FNC 8 |
| AUTHOR: | Tracie Bishop – Finance Officer |
| REPORTING OFFICER: | Vic Smith – Manager Corporate Services |
| DISCLOSURE OF INTEREST: | None |
| DATE OF REPORT | Date 15 May 2013 |

Attachment 1. Schedule of Accounts for Payment

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund 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.

Municipal Account

| | | |
|-------------------------------|---------------|--------------|
| | | \$ |
| Accounts paid by EFT | 4775 - 4888 | 513,624.18 |
| Accounts paid by cheque | 19142 - 19167 | \$28,011.91 |
| Accounts paid by direct debit | 99382 - 99389 | \$67,031.34 |
| Sub Total Municipal Account | | \$608,667.43 |

Trust Account

| | | |
|-------------------------|-------|----------|
| | | \$160 |
| Accounts Paid by cheque | 22767 | |
| Accounts Paid by EFT | 4825 | \$150 |
| Sub Total Trust Account | | \$310.00 |

Total Payments

\$608,977.43

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS: None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS: None.

VOTING REQUIREMENTS: Simple majority.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$608,977.43 in the attached schedule be endorsed.

8972 GILBERT/DUNNET

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$608,977.43 in the attached schedule be endorsed.

CARRIED 8/0

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

(a) OFFICERS

None

(b) ELECTED MEMBERS

None

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

None

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

None

15. CLOSURE OF MEETING

There being no further business to discuss the Shire President declared the meeting closed at 18:00 hours.