



# Minutes

**Ordinary Council Meeting Tuesday 26 March 2024**

**4.30 pm in Council Chambers, Nannup**

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## MINUTES

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

The Shire President declared the meeting open at 4.31 pm and welcomed the public gallery.

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

### 2. ATTENDANCE/APOLOGIES:

#### 2.1 ATTENDANCE

Councillors	Officers
Cr Tony Dean (Shire President)	David Taylor - Chief Executive Officer
Cr Vicki Hansen (Deputy President)	Dale Putland – Acting Executive Manager Corporate Services
Cr Cheryle Brown	
Cr Chris Buckland	
Cr Patricia Fraser	
Cr Bob Longmore	

#### Public Gallery

Isabel Green, Jim Green, Wayne Leece, Tanya Coffey, Ross Tyre.

#### 2.2 APOLOGIES

Nil.

### 3. PUBLIC QUESTION TIME:

#### **Ross Tyre - 94 Cockatoo Drive**

Question - Will the Council take immediate steps to stop issuing licences and ban coffee vans to protect the six established coffee outlets already in Nannup?

Answer – The question was taken on notice.

### **Tanya Coffey Blackwood River Drive**

Question – Is there a possibility of volunteers being involved in the discussions of sponsorship of festivals in town?

Answer – The Chief Executive Officer encouraged Ms Coffey to make contact with administration staff in regard to her proposal.

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

### **4.1 APPROVED LEAVE OF ABSENCE:**

Cr Ian Gibb is on an approved leave of absence for the March Ordinary Council meeting.

### **4.2 APPLICATION FOR A LEAVE OF ABSENCE:**

Nil.

## **5. CONFIRMATION OF MINUTES:**

### 5.1 Shire of Nannup Ordinary Council Meeting – 22 February 2024

#### ***EXECUTIVE RECOMMENDATION:***

That the Minutes from the Ordinary Meeting of Council held 22 February 2024 be confirmed as a true and correct record (attachment 5.1).

#### ***COUNCIL RESOLUTION 24027***

***MOVED: CR HANSEN***

***SECONDED: CR LONGMORE***

***That the Minutes from the Ordinary Meeting of Council held 22 February 2024 be confirmed as a true and correct record (attachment 5.1).***

***CARRIED***

***TOTAL VOTES FOR: 6***

***Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.***

***TOTAL VOTES AGAINST: 0***

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## 6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

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Cr Chris Buckland resigned as an elected member for the Shire of Nannup Council. He is leaving to take up an employment opportunity at the Shire of Nannup after six and half years as a Councillor.

## 7. DISCLOSURE OF INTEREST:

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David Taylor, Chief Executive Officer, declared a proximity interest in agenda item 11.3 – Licence – Helipad & Parking Lot (Lot 12 Brockman Hwy); as he owns a neighbouring property.

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

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

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Nil.

## 9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

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Nil.

## 10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

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Meeting	Date	Councillor
Warren Blackwood Alliance of Councils	6 February	Dean, Hansen,
Bush Fire Advisory Committee	5 February	Brown
Audit Advisory Committee	22 February	Brown, Buckland, Dean, Fraser, Hanse, Longmore
WALGA South West Zone		Dean
Nannup Chamber of Commerce & Industry		Brown

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for February 2024
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 March 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.1.1 – Register of Delegated Development Approvals

### BACKGROUND:

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

Delegated planning decisions are reported to Council monthly to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in February 2024 is presented in Attachment 11.1.1.

### COMMENT:

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

During February 2024, one (1) development applications was determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for February 2024 compared to February 2023:

	February 2023	February 2024
<b>Delegated Decisions</b>	1 (\$25,000)	1 (\$10,000)
<b>Council Decisions</b>	0	1 (\$5,000)
<b>Total</b>	<b>1 (\$25,000)</b>	<b>2 (\$15,000)</b>



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

**STATUTORY ENVIRONMENT:**

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

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

**POLICY IMPLICATIONS:**

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

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

**FINANCIAL IMPLICATIONS:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENT:**

Simple majority.

**OFFICER RECOMMENDATION:**

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

**COUNCIL RESOLUTION 24028****MOVED: CR BUCKLAND****SECONDED: CR LONGMORE**

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

**CARRIED****TOTAL VOTES FOR: 6*****Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.*****TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.2 - Excision of land from Reserve 1788 (Old Depot Park) for sale and amalgamation with Lot 2 Warren Road, Nannup
LOCATION/ADDRESS:	Reserve 1788 (Lot 1 on DP222883) Warren Road, Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	A224 & RES1788
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 March 2024
PREVIOUS MEETING REFERENCE:	26 October 2023
ATTACHMENT:	11.2.1 - Email from Department of Planning, Lands and Heritage 11.2.2 - Email from Harley Dykstra 11.2.3 - Plan of land to be excised & amalgamated

#### **BACKGROUND:**

At its meeting of 26<sup>th</sup> October 2023, and as part of its determination of an application to construct a new restaurant at Lot 2 (#8) Warren Road, Nannup, Council resolved in part as follows:

#### **“That Council:**

- (i) **Approve an easement through Reserve 1788 to provide vehicle access to Lot 2 (No. 8) Warren Road subject to the proponent meeting all costs associated in preparing an easement and deed (to maintain the vehicle access way) to the satisfaction of the Shire’s Chief Executive Officer.”**

The purpose of creating the easement was to secure legal vehicular access to the new restaurant which is currently via an informal agreement with the Shire of Nannup across Reserve 1788 (Old Depot Park).

On 28<sup>th</sup> February 2024 the Shire administration received an email from the Department of Planning, Lands and Heritage (DPLH) advising that they had considered this proposal and resolved that a more appropriate tenure outcome would be to excise the Subject Land from Reserve 1788 for sale and amalgamation with Lot 2 pursuant to section 51 and section 87 of the *Land Administration Act 1997* (Attachment 11.2.1).

In the opinion of the DPLH there is no public benefit in keeping this land in the reserve as its primary purpose will be a driveway for private/commercial access purposes.

The total area of land subject to this proposal is 4m<sup>2</sup>.

**COMMENT:**

The Shire administration has been advised by Harley Dykstra, who are acting on behalf of the owners of Lot 2 (#8) Warren Road, that their client has no objection to the revised proposal as put forward by DPLH (Attachment 11.2.2). The revised proposal will have additional time and cost implications for the applicant however as construction of the new restaurant has not yet commenced it is anticipated that the revised proposal will not result in delays to the completion of the project.

It is recommended that Council support the revised proposal to excise a portion of Reserve 1788 and amalgamate it into Lot 2 (#8) Warren Road, Nannup as shown in Attachment 11.2.3. This will formalise the existing access and secure ongoing rights for the property owner to access the new restaurant via Brockman Street.

**STATUTORY ENVIRONMENT:**

*Land Administration Act 1997 and Land Administration Regulations 1998.* A Council resolution is required to approve the excision, sale and amalgamation of land from Reserve 1788 into Lot 2 Warren Road.

**POLICY AND CONSULTATION IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil. The owners of Lot 2 (#8) Warren Road, Nannup are required to meet all costs associated with the excision, sale and amalgamation of the subject land.

**STRATEGIC IMPLICATIONS:**

*Our Economy*

*2.1 The Big Picture*

- We will grow our economy in ways that add value to our community and create diverse opportunities for our residents.

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council resolves by Absolute Majority to supersede part of Resolution 23162 adopted by Council at its meeting on 26<sup>th</sup> October 2023, to now support the excision of the Subject Land shown in Attachment 11.2.3 from Reserve 1788 for sale and amalgamation with Lot 2 (#8) Warren Road, Nannup pursuant to section 51 and section 87 of the *Land Administration Act 1997*.

**COUNCIL RESOLUTION 24029****MOVED: CR BUCKLAND****SECONDED: CR LONGMORE**

*That Council resolves by Absolute Majority to supersede part of Resolution 23162 adopted by Council at its meeting on 26<sup>th</sup> October 2023, to now support the excision of the Subject Land shown in Attachment 11.2.3 from Reserve 1788 for sale and amalgamation with Lot 2 (#8) Warren Road, Nannup pursuant to section 51 and section 87 of the Land Administration Act 1997.*

**CARRIED BY ABSOLUTE MAJORITY****TOTAL VOTES FOR: 6*****Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.*****TOTAL VOTES AGAINST: 0**

AGENDA NUMBER:	11.3 – Licence – Emergency Helipad and Parking Area
LOCATION/ADDRESS:	Lot 12 Brockman Highway East Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 36
AUTHOR:	Nicole Botica – Economic and Community Development Coordinator
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	12 March 2024
ATTACHMENTS:	11.3.1 - Licence (Land Only) Lot 12 Brockman Highway, East Nannup

**\*\*Chief Executive Officer declared a proximity interest and left the room at 4.44 pm and returned to the meeting room at 4.49 pm.\*\***

#### **BACKGROUND:**

The Shire of Nannup has developed the Nannup Tank 7 MTB Park. Construction of the park was completed in March 2021. Land between Brockman Road and the Brockman Trailhead is in Water Corporation ownership; note Schedule 2 Premises Plan.

To support the emergency management of the park a helicopter landing pad has been determined for this area with clearing and provisional works undertaken in April 2023.

Further works are required to meet the helipad specifications, all costs associated with the helipad will be at the cost of the Shire of Nannup; Schedule 3 Special conditions.

#### **COMMENT:**

The Shire of Nannup has progressed a lease arrangement with Water Corporation for period of five years commencing on 11 May 2023 and expiring on 10 May 2028, with one further term of five (5) years.

#### **STATUTORY ENVIRONMENT:**

Under sections 48 and 91 of the LAA, the Minister may grant licences in respect of unmanaged reserves and Crown land in relation to short-term, non-exclusive uses.

#### **POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The licence fee is \$1,000 (plus GST) per annum  
(Schedule 1; Licence Fee Review Method)

**STRATEGIC IMPLICATIONS:**

Extract from the 2021-2036 Nannup Community Strategic Plan

Our Economy

2.2 Tourism and attraction

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

Our Natural Environment

4.2 Our Location

We will continue to ensure that our built environments exist in harmony with our natural landscapes

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council endorse the Chief Executive Officer and Shire President authority to sign the agreement and apply The Common Seal of the Shire of Nannup.

**COUNCIL RESOLUTION 24030**

**MOVED: CR HANSEN**

**SECONDED: CR BUCKLAND**

***That Council endorse the Chief Executive Officer and Shire President's authority to sign the agreement and apply The Common Seal of the Shire of Nannup.***

**CARRIED BY ABSOLUTE MAJORITY**

**TOTAL VOTES FOR: 6**

***Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.***

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**TOTAL VOTES AGAINST: 0**



AGENDA NUMBER & SUBJECT:	11.4 – Financial Activity Statement – February 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 March 2024
ATTACHMENTS:	11.4.1 – Financial Activity Statement – February 2024

**BACKGROUND:**

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

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

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

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

**COMMENT:**

The Financial Statements for the period ending 29 February 2024 present the financial performance of the Shire for the 2023/24 financial year and compare year to date expenditure and revenue against the corresponding year to date budget.

Attached for consideration is the completed Monthly Financial Report as per Attachment 11.4.1.

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

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995, Section 6.4.*

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

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statements for the period ending 29 February 2024 as per Attachment 11.4.1.

**COUNCIL RESOLUTION 24031**

**MOVED: CR HANSEN**

**SECONDED: CR BROWN**

*That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Financial Activity Statements for the period ending 29 February 2024 as per Attachment 11.4.1.*

**CARRIED**

**TOTAL VOTES FOR: 6**

*Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.*

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.5 – Payment of Accounts – February 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	12 March 2024
ATTACHMENT:	11.5.1 – Payment of Accounts – February 2024

**BACKGROUND:**

To advise Council of payments made for the period 1 February to 29 February 2024.

**COMMENT:**

Payments of \$404,499.80 as detailed in the payment of accounts listing for the period 1 February to 29 February 2024 as per Attachment 11.5.1 have been approved under delegated authority.

**Municipal Account**

Accounts paid by EFT	16736 - 16833	\$272,664.71
Accounts paid by cheque	20620	\$17,552.96
Accounts paid by Direct Debit	12978.1 – 13051.21	\$114,282.13
<i>Sub Total Municipal Account</i>		<u>\$404,499.80</u>

**Trust Account**

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
<b>Total Payments</b>		<u><b>\$404,499.80</b></u>

**STATUTORY ENVIRONMENT:**

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

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

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority.

**OFFICER RECOMMENDATION:**

That Council notes the payment of accounts totalling \$404,499.80 for the period 1 February to 29 February 2024 as per Attachment 11.5.1.

**COUNCIL RESOLUTION 24032**

**MOVED: CR FRASER**

**SECONDED: CR BROWN**

***That Council notes the payment of accounts totalling \$404,499.80 for the period 1 February to 29 February 2024 as per Attachment 11.5.1.***

**CARRIED****TOTAL VOTES FOR: 6*****Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.*****TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.6 – Review of Register of Delegations
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 22 and ADM 22A
AUTHOR:	Sarah Dean – Governance, Risk & Assurance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 March 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.6.1 – Delegations of Authority proposed for revocation

### **BACKGROUND:**

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

Section 5.33 of the Act provides for the Chief Executive Officer to delegate any of his or her powers to another employee, this must be done in writing. The Act also allows for the Chief Executive Officer to place conditions on any delegations that he or she has delegated. These powers or duties cannot, however, be further sub-delegated.

These powers or duties are delegated to assist with improving the time taken to make decisions and are made within the constraints allowed by the relevant legislation. This is consistent with our commitment to a strong customer service focus.

### **COMMENT:**

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

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

As required by section 5.46 of the *Local Government Act 1995*, a review of the Delegations Register for the 2023/24 financial year is currently underway. The delegations of authority proposed for revocation (Attachment 11.6.1) are the first part of the review. The thirty-five delegations of authority proposed for revocation are in the old format and the reasons for revocation are detailed in the table below:

<b>DELEGATION TITLE IN REGISTER</b>	<b>REASON FOR REVOCATION</b>
PIDA 1 – Principal Executive Officer	<i>Public Interest Disclosure Act 2003</i> (s.23) – the CEO must designate the person; it is not a delegation from Council. The Public Interest Disclosure role at the Shire of Nannup is assigned to the Governance, Risk and Assurance Officer.
ADM 2 – Council and Committee Meetings	This does not need to be delegated; it is a function of the CEO.
ADM 3 – Public Inspection of Documents Relating to Council Minutes	This does not need to be delegated; it is a function of the CEO.
FMR 2 – Payment of Accounts	Duplicate of 1.2.19 – Payments from the Municipal or Trust Funds. FMR 2 also references the incorrect regulation (r.11), it is r.12.
LGA 4 Local Laws	s.3.12 and s.3.16 detail how to conduct Statewide public notice advertising for local laws. In the current Register of Delegations, Section 1.4 details the current local law delegations to the CEO.
LGA 5 – Executive Functions	s.3.21 Duties when performing functions - these are conditions on the exercise of executive functions.
LGA 8 – Register of Delegations to Committees	There are no committees with delegated authority.
LGA 9 – Annual Report	s.5.53 Annual reports This is a function of the CEO and therefore does not need to be delegated.
LGA 10 – Integrated Planning	s.5.56 Planning principal activities This is a function of the CEO and therefore does not need to be delegated.
LGA 12 – Trust Fund	This is a function of the CEO and therefore does not need to be delegated.
LGA 19 – Insurance: Public Liability Claims	This does not need to be delegated; it is an executive function of the CEO.
LGA 21 – Conferences/Seminars/Training Courses – Expenses of Councillors & Employees	These do not need delegating; reimbursement of expenses is covered in industrial relations legislation and operational policy.
LGA 22 – Budget Expenditure	This does not need to be delegated; it is an executive function of the CEO.
LGA 25 – Execution of Documents	This does not need to be delegated; it is an executive function of the CEO.

LGA 27 – Liquor, Sale or Consumption – Council Property	This does not need to be delegated; control of council property is an executive function.
LGA 28 – Hall Hire	This does not need to be delegated; it is an executive function of the CEO.
LGA 29 – Contractors – Use on Works	This does not need to be delegated; it is an executive function of the CEO.
LGA 32 – Council Resources for Wild Fire	All employees and machinery are controlled by CEO anyway; there is no specific section of legislation referenced.
LGA 33 – Study Leave	Function of the CEO who engages all employees; can be a policy if necessary.
ULP 1 – Gates Across Public Thoroughfares	Duplicate of 1.2.10 – Gates Across Public Thoroughfare

The review is based upon a best practice approach to delegations in local government, referencing the WALGA template delegations and guidelines issued by the Department of Local Government, Sport and Cultural Industries.

The delegations not presented to Council for consideration from the current Register of Delegations are currently still under review and will be presented to Council for consideration at the April 2024 Ordinary Council meeting.

#### **STATUTORY ENVIRONMENT:**

*Local Government Act 1995*

Section 5.42 – Delegation of some powers or duties to the CEO

Section 5.44 – CEO may delegate some powers and duties to other employees.

Section 5.46(2) – Council must review its delegations at least once every financial year.

#### **POLICY IMPLICATIONS:**

Nil.

#### **FINANCIAL IMPLICATIONS:**

Nil.

#### **STRATEGIC IMPLICATIONS:**

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

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



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

Provide a stable, consistent, and honest government.

**VOTING REQUIREMENT:**

Absolute majority.

**OFFICER RECOMMENDATION:**

That Council revoke the delegations under the *Local Government Act 1995* as listed below and as they appear in Attachment 11.6.1:

- PIDA 1 – Principal Executive Officer
- ADM 2 – Council and Committee Meetings
- ADM 3 – Public Inspection of Documents Relating to Council Minutes
- FMR 2 – Payment of Accounts
- LGA 4 Local Laws
- LGA 5 – Executive Functions
- LGA 8 – Register of Delegations to Committees
- LGA 9 – Annual Report
- LGA 10 – Integrated Planning
- LGA 12 – Trust Fund
- LGA 19 – Insurance: Public Liability Claims
- LGA 21 – Conferences/Seminars/Training Courses – Expenses of Councillors and Employees
- LGA 22 – Budget Expenditure
- LGA 25 – Execution of Documents
- LGA 27 – Liquor, Sale, or Consumption – Council Property
- LGA 28 – Hall Hire
- LGA 29 – Contractors – Use on Works
- LGA 32 – Council Resources for Wild Fire
- LGA 33 – Study Leave
- ULP 1 – Gates Across Public Thoroughfares

**COUNCIL RESOLUTION 24033**

**MOVED: CR BUCKLAND**

**SECONDED: CR HANSEN**

***That Council revoke the delegations under the Local Government Act 1995 as listed below and as they appear in Attachment 11.6.1:***

**PIDA 1 – Principal Executive Officer**

**ADM 2 – Council and Committee Meetings**

**ADM 3 – Public Inspection of Documents Relating to Council Minutes**

**FMR 2 – Payment of Accounts**

**LGA 4 Local Laws**

**LGA 5 – Executive Functions**

**LGA 8 – Register of Delegations to Committees**

**LGA 9 – Annual Report**

**LGA 10 – Integrated Planning**

**LGA 12 – Trust Fund**

**LGA 19 – Insurance: Public Liability Claims**

**LGA 21 – Conferences/Seminars/Training Courses – Expenses of Councillors and Employees**

**LGA 22 – Budget Expenditure**

**LGA 25 – Execution of Documents**

**LGA 27 – Liquor, Sale, or Consumption – Council Property**

**LGA 28 – Hall Hire**

**LGA 29 – Contractors – Use on Works**

**LGA 32 – Council Resources for Wild Fire**

**LGA 33 – Study Leave**

**ULP 1 – Gates Across Public Thoroughfares**

**CARRIED BY ABSOLUTE MAJORITY**

**TOTAL VOTES FOR: 6**

**Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.**

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.7 – Shire of Nannup Bush Fire Brigades Local Law
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 5
AUTHOR:	Nathan Manning- Community Emergency Services Manager
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	14 March 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.7.1 - Draft Shire of Nannup Bush Fire Brigade Local Law 11.7.2 - Bushfire Brigades Operating Procedures

### BACKGROUND:

The Shire of Nannup has 9 Bush Fire Brigades under the shires control. Section 43 of the Bush Fires Act 1954 provides that local governments which have bush fire brigades shall by its local laws:

*A local government which establishes a bush fire brigade shall by its local laws provide for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of the bush fire brigade, and prescribe their respective duties.*

Other sections of the Bush Fires Act that relate to a local government may make local laws are:

- Under s33(5a) to require landowners to make fire breaks. Section 33(1) though allows this to be done simply by publishing a notice in the Gazette or a newspaper circulating in the district; and where a local government does so the provisions of the notice override the local law.
- Under s41(1), to establish and maintain one or more bush fire brigades and equip them with appliances, equipment, and apparatus; and
- Under s62, make local laws in relation to —
  - o the appointment, employment, payment, dismissal, and duties of bush fire control officers; and
  - o the organisation, establishment, maintenance and equipment with appliances and apparatus of bush fire brigades to be established and maintained by the local government; and
  - o any other matters affecting the exercise of any powers or authorities conferred and the performance of any duties imposed upon the local government by this Act.

Most critical matters are dealt with under the Bush Fires Act and Regulations. For example:

- Part 2 of the Bush Fires Act sets out the powers of the Fire and Emergency Services Commissioner, provides for the appointment of bush fire liaison officers, and sets out powers of police or authorised persons as well as providing for entry on to land or buildings for the purposes of the Act;

- Part 3 sets out measures to prevent bush fires, including restricted or prohibited burning times, fire bans, and provisions about burning of land or rubbish. Section 33 allows a local government to require occupiers of land to establish fire breaks by a notice in the Gazette and or public notice, or by local law;
- Part 4 deals with the control and extinguishment of bush fires.
  - o Section 36 provides that a local government may expend funds to control and extinguish bush fires;
  - o Under s37 a local government must insure volunteer fire fighters and bush fire brigade equipment;
  - o Section 38 provides that a local government may appoint a person as a bush fire control officer (and who does not necessarily have to be a local government employee), and of whom can be a Chief Bush Fire Control Officer and deputy. Under s38A the FES commissioner may appoint a person as a Chief Bush Fire Control officer if requested by a local government for its district;
  - o Section 39 sets out the powers of bush fire control officers;
  - o Section 40 sets out the powers and duties of local governments, brigades, and bush fire control officers in the event of a bush fire;
  - o Section 41 provides that Act, a local government shall keep a register of bush fire brigades and their members in accordance with the regulations, and may at any time cancel the registration of a bush fire brigade;
  - o Under s42A, any group of persons, however constituted and whether incorporated or not, may be established as a bush fire brigade under section 41(1) or 42(1).
  - o Section 43 is the only area of the Bush Fires Act that requires a local government to make a local law (discussed below); and
  - o Sections 44 – 47 deal with fire-fighting by officers of bush fire brigades, 'CALM' and bush fire control officers.
- Part 5 deals with miscellaneous matters and among other things:
  - o Allows a local government to delegate any of its powers and duties to its CEO; and
  - o Provides for penalty and prosecution provisions.

**COMMENT:**

As noted, the Act requires that local governments adopt a Bush Fire Brigades Local Law to be made. The attached draft of the Shire of Nannup Bush Fire Brigades Local Law is based on a model provided by WALGA (WA Local Government Association).

The draft Shire of Nannup Bush Fire Brigade Local Law was provided to two separate Bush Fire Advisory Committee meetings where Fire Control Officers were requested to take the documents back to their respective brigades for review and then to provide feedback in writing to the CEO. Feedback was provided by CBFCO, 2X DCBFCO as well as three brigades.

The Local Law provides for the appointment or election of a captain, a first lieutenant, a second lieutenant, and such additional lieutenants as may be necessary as officers of bush fire brigades in the district, and prescribe their respective duties, and address other matters relating to the operation of bush fire brigades to ensure compliance with the Work Health and Safety Act 2020.

**STATUTORY ENVIRONMENT:**

Volunteer Bush Fire Brigades are established under the Bush Fires Act 1954

**POLICY IMPLICATIONS:**

The Shire of Nannup Bush Fire Brigades Local Law will be supported by a range of operational guidelines/ standards established by The Department of Fire and Emergency Services for the safe operation of fire brigades.

**FINANCIAL IMPLICATIONS:**

There will be costs associated with the drafting, advertising, and Gazettal of the proposed local law.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council:

1. In accordance with sections 3.12(3)(a) of the *Local Government Act 1995*, approve local public notice be given stating that:
  - a. It is proposed to make a Shire of Nannup Bush Fire Brigades Local Law, and a summary of its purpose and effect;
  - b. Copies of the proposed local law may be inspected at the Shire offices;

- c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;
2. In accordance with s3.12(3)(b) of the Act, note that as soon as the notice is given, a copy of the proposed local law be sent to the Ministers for Local Government and Emergency Services;
3. In accordance with s3.12(3)(c) of the Act, note that a copy of the proposed local law will be supplied to any person requesting it; and
4. Note that the results of the public consultation will be presented to Council for consideration of any submissions received.
5. Note the Shire of Nannup will be refining and implementing the attached Bushfire Operating Procedures as an operational policy to guide bushfire fighting activities.

**COUNCIL RESOLUTION 24034**

**MOVED: CR HANSEN**

**SECONDED: CR BROWN**

***That Council:***

***1. In accordance with sections 3.12(3)(a) of the Local Government Act 1995, approve local public notice be given stating that:***

***a. It is proposed to make a Shire of Nannup Bush Fire Brigades Local Law, and a summary of its purpose and effect;***

***b. Copies of the proposed local law may be inspected at the Shire offices;***

***c. Submissions about the proposed local law may be made to the Shire within a period of not less than 6 weeks after the notice is given;***

***2. In accordance with s3.12(3)(b) of the Act, note that as soon as the notice is given, a copy of the proposed local law be sent to the Ministers for Local Government and Emergency Services;***

***3. In accordance with s3.12(3)(c) of the Act, note that a copy of the proposed local law will be supplied to any person requesting it; and***

***4. Note that the results of the public consultation will be presented to Council for consideration of any submissions received.***

***5. Note the Shire of Nannup will be refining and implementing the attached Bushfire Operating Procedures as an operational policy to guide bushfire fighting activities.***

**CARRIED**

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**TOTAL VOTES FOR: 6**

***Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.***

**TOTAL VOTES AGAINST: 0**

AGENDA NUMBER & SUBJECT:	11.8 – Draft 2024/25 Capital Works Programme
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Budget 24-25
AUTHOR:	Robin Lorkiewicz
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 February 2024
ATTACHMENT:	11.8.1 - Draft Budget Capital Works Program 2024/25

**BACKGROUND:**

The Council requested as part of the Chief Executive Officer’s Key Performance Indicators to have a draft Capital Works Program presented for endorsement in March 2024.

**COMMENT:**

It is early in the budget setting process with the first Council budget workshop scheduled to be held on the 4<sup>th</sup> April 2024.

Officers have included within this draft any items that consist of the following:

1. Items being carried forward from 2023/24 budget that are requested to be included within the 2024/25 budget. Most carry forwards have been caused by waiting on a third party, such as approvals and/or delivery timeframes.
2. Items of urgency that support safety and operational effectiveness such as certain Work Health and Safety installations and items needed to improve operational effectiveness.
3. Items that have attached external funding committed.

It is important to note that this is a draft capital works programme that may be subject to change as the budget workshops occur. Other matters which will be covered in the workshops include setting rates, surplus/deficit calculations and other budgetary matters.

**STATUTORY ENVIRONMENT:**

Nil.



**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil – this is a draft document and will form part of budget workshops and will be finalised at the endorsement of the annual budget.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the draft Capital Works Program 2024/25 budget and notes that this is subject to change before final 2024/25 budget endorsement.

***COUNCIL RESOLUTION 24035***

***MOVED: CR LONGMORE***

***SECONDED: CR HANSEN***

***That Council receives the draft Capital Works Program 2024/25 budget and notes that this is subject to change before final 2024/25 budget endorsement.***

***CARRIED***

***TOTAL VOTES FOR: 6***

***Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.***

***TOTAL VOTES AGAINST: 0***

AGENDA NUMBER & SUBJECT:	11.9 – Budget Preparation Schedule
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Budget 24-25
AUTHOR:	Dale Putland – Acting Executive Manager Corporate Services
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 March 2024
ATTACHMENT:	11.9.1 – Budget Preparation Schedule 2024/25

### **BACKGROUND:**

The Council requested to have a Budget Preparation Schedule presented to Council to inform on the program and stages to prepare the 2024/25 annual budget. The schedule is included as attachment 11.9.1.

### **COMMENT:**

It is early in the budget setting process with the first Council budget workshop scheduled to be held on the 4<sup>th</sup> April 2024.

The first workshop will inform on the following matters:

4. Cost pressures for local governments that will impact on the 2024/25 budget.
5. Items being carried forward from 2023/24 budget that are requested to be included within the 2024/25 budget. Most carry forwards have been caused by waiting on a third party, such as approvals and/or delivery timeframes.
6. Proposed capital works projects.
7. Items of urgency that support safety and operational effectiveness such as certain Work Health and Safety installations and items needed to improve operational effectiveness.
8. Items that have attached external funding committed.

Subsequent workshops and Council meetings listed in the schedule are:

1. Council Budget Workshop 2, 18 April 2024.  
Carryovers, committed funding, R2R and RRG road programs, the plant replacement program, draft fees and charges, and rates modelling and proposed rate increases.

2. Special Council Meeting, 23 May 2024  
Differential Rates adoption for advertising
3. Council Budget Workshop 3, 23 May 2024  
Confirming draft budget elements
4. Special Council Meeting, 13 June 2024  
Differential Rates Submission
5. Council Meeting, 27 June 2024  
Draft Budget Presented to Council
6. Special Council Meeting, July 2024  
Budget Adoption

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The budget will be considered during workshops and will be finalised at the endorsement of the annual budget.

**STRATEGIC IMPLICATIONS:**

Annual Budget Setting Process

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the Budget Preparation Schedule for the 2024/25 budget.

**COUNCIL RESOLUTION 24036****MOVED: CR BROWN****SECONDED: CR BUCKLAND*****That Council receives the Budget Preparation Schedule for the 2024/25 budget.*****CARRIED****TOTAL VOTES FOR: 6*****Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.*****TOTAL VOTES AGAINST: 0**

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**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**


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Nil.

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**13. MEETING MAY BE CLOSED:**


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***COUNCIL RESOLUTION 24037***

MOVED: CR BUCKLAND

SECONDED: CR HANSEN

That the meeting be closed to the public.

CARRIED

TOTAL VOTES FOR: 6

Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.

TOTAL VOTES AGAINST: 0

The meeting was closed to the public at 5.02 pm and the public gallery left the room.

AGENDA NUMBER & SUBJECT:	13.1 - Asphalt Surfacing
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	TEN 2 and TEN/2024
AUTHOR:	Damon Lukins – Manager Infrastructure
REPORTING OFFICER:	Damon Lukins – Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 <sup>th</sup> March 2024
PREVIOUS MEETING REFERENCE:	NA

AGENDA NUMBER & SUBJECT:	13.2 – Tip Truck Tender
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	TEN 2 and TEN/2024
AUTHOR:	Damon Lukins – Manager Infrastructure
REPORTING OFFICER:	Damon Lukins – Manager Infrastructure
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	11 <sup>th</sup> March 2024
PREVIOUS MEETING REFERENCE:	Nil

***COUNCIL RESOLUTION 24040***

***MOVED: CR BROWN***

***SECONDED: CR HANSEN***

***That the meeting be reopened to the public.***

***CARRIED***

***TOTAL VOTES FOR: 6***

***Cr Brown, Cr Buckland, Cr Dean, Cr Fraser, Cr Hansen, Cr Longmore.***

***TOTAL VOTES AGAINST: 0***

The meeting reopened at 5.08 pm.

**14. CLOSURE OF MEETING:**

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The Shire President declared the meeting closed at 5.08 pm.

The next meeting Ordinary Council Meeting will be on Thursday, 18 April 2024; commencing at 4.30 pm. The April 2024 meeting will be held at the Carlotta Bush Fire Brigade Shed.