



Minutes

**Special Council Meeting held Monday 29 April 2024
2.00 pm in Council Chambers, Nannup**

The purpose of the special council meeting:

- Endorse the Western Australian Electoral Commission to conduct 2024 extraordinary election.
- 2024/24 differential rates and minimum rate
- Notice of Revocation Motion – Nannup Music Club

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyrighted material.

Any statement, comment or decision made at a Council meeting regarding any application for approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Nannup must obtain, and should only rely on, written notice of the Shire of Nannup's decision and any conditions attaching to the decision, and cannot treat as an approval of anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of Nannup on the operation of a written law, or the performance of a function by the Shire of Nannup, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as legal advice or representation by the Shire of Nannup. Any advice on a matter of law or anything sought to be relied upon as a representation by the Shire of Nannup should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.

Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT OF COUNTRY:	2
2. ATTENDANCE/APOLOGIES:	2
2.1 ATTENDANCE	2
2.2 APOLOGIES	2
3. PUBLIC QUESTION TIME:	2
4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:	2
5. CONFIRMATION OF MINUTES:	3
6. ANNOUNCEMENTS FROM PRESIDING MEMBER:	3
7. DISCLOSURE OF INTEREST:	3
8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:	4
9. PRESENTATIONS/DEPUTATIONS/PETITIONS:	4
11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:	4
11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025	4
COUNCIL RESOLUTION 24053	5
10. REPORTS OF OFFICERS:	6
10.1 – 2024 Extraordinary Election	6
COUNCIL RESOLUTION 24054	8
10.2 – 2024/25 Differential Rates and Minimum Rate	10
COUNCIL RESOLUTION 24055	13
COUNCIL RESOLUTION 24056	14
COUNCIL RESOLUTION 24057	14
12. MEETING MAY BE CLOSED:	15
13. CLOSURE OF MEETING:	15

MINUTES

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

The Shire President declared the meeting open at 2.00 pm and welcomed the public gallery.

The Shire President acknowledged 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)	Damon Lukins – Manager Infrastructure
Cr Cheryle Brown	Kim Dolzadelli – Executive Manager Corporate Services
Cr Patricia Fraser	Dale Putland – Acting Executive Manager Corporate Services
Cr Ian Gibb	Sarah Dean – Governance Officer
Cr Bob Longmore	

Public Gallery
Isabel Green, Maggie Longmore, Jim Green, Kim Heitman, Davina Gibb, Wayne Leece, Peter Harker, Mandy Blount, Claire Sly, Lyn Jenkins, Mark White, Phil Hewitt.

2.2 APOLOGIES

Nil.

3. PUBLIC QUESTION TIME:

Nil.

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

Nil.

5. CONFIRMATION OF MINUTES:

Nil.

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

The Shire President welcomed new employee Kim Dolzadelli, Executive Manager Corporate Services to the meeting and the Shire.

7. DISCLOSURE OF INTEREST:

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Nannup and its community.

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

David Taylor, Chief Executive Officer declared an impartiality interest in agenda item 11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025 as his wife volunteered at the 2024 Nannup Music Festival.

Cr Dean declared an impartiality interest in agenda item 11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025 as he is the President of the Nannup Golf Club committee which benefits financially from Nannup Music Festival camping.

Cr Bob Longmore declared an impartiality interest in agenda item 11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025 as he is a Life Member of the Nannup Music Club Inc.

Cr Vicki Hansen declared an impartiality interest in agenda item 11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025 as she is President of Friends of Community House Inc that receives a financial donation from the Nannup Music Club Inc for use of Community House during music festival weekend.

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

Nil.

9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

Mr Kim Heitman, Chairperson and Legal Advisor for Nannup Music Club Inc. made a presentation to Council regarding agenda item 11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025.

Mr Phil Hewitt, Vice President - Nannup Chamber of Commerce & Industry made a presentation to Council regarding agenda item 11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025.

Ms Mandy Blount – business owner, Tiger Valley Gallery & Giftware made a presentation to Council regarding agenda item 11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025.

The Shire President altered the order of the meeting by moving item 11 of the agenda to be considered before other Council reports. This was to allow those in the public gallery who had come for that item the option to leave after the item.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

11.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025

Cr Gibb moves that the Council resolution 23190 is revoked:

That Council instruct the Chief Executive Officer to inform the Nannup Music Club that the Shire will not allow the road closure of Brockman Street, Nannup for the exclusive use of their ticketed festival goers for the 2025 Nannup Music Festival and that the Council would like to see the festival return to an open style festival.

Cr Gibb's reasons for revocation:

To allow further debate on the Closure or otherwise of Brockman Road at the earliest opportunity.

The possible loss of the Nannup Music Festival to Nannup, after 34 years of continually building capacity in Nannup during this time.

Nannup's residents do have an overarching belief that Nannup owns the Nannup Music Festival and we should not allow the festival to relocate to another town.

The significant negative impact on the economy of Nannup should not be underestimated. Plus

The significant impact on not-for-profit community groups, employment, and businesses.

The follow-on business activity through the rest of the year and the impact on Nannup's economy.

With the development of an MOU by the Shire Council, I believe the Council should give the MOU an opportunity to improve the relationship between the NMC and NSC as the Management tool to move forward.

COUNCIL RESOLUTION 24053

MOVED: CR GIBB

SECONDED: CR BROWN

That Council revoke Council resolution 23190 – “That Council instruct the Chief Executive Officer to inform the Nannup Music Club that the Shire will not allow the road closure of Brockman Street, Nannup for the exclusive use of their ticketed festival goers for the 2025 Nannup Music Festival and that the Council would like to see the festival return to an open style festival.”

TOTAL VOTES FOR: 3

Cr Brown, Cr Dean, Cr Gibb

TOTAL VOTES AGAINST: 3

Cr Fraser, Cr Hansen, Cr Longmore

Cr Dean used his casting vote as Shire President to support the revocation motion however an absolute majority is more than half of the Councillors that could have been present (including vacant councillor positions) voting in favour of the motion for it to pass (that is the motion required 4 Councillors to vote in favour). The Shire President's casting vote cannot count towards an absolute majority. As a result, the revocation motion failed and the original motion to close the road stands.

NOT CARRIED

10. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	10.1 – 2024 Extraordinary Election
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 2
AUTHOR:	Sarah Dean – Governance, Risk Assurance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12
PREVIOUS MEETING REFERENCE:	18 April 2024
ATTACHMENT:	10.1.1 – Western Australian Electoral Commission Extraordinary Election 2024 Written Agreement

BACKGROUND:

A vacancy now exists on Council following the resignation of Councillor Chris Buckland. Made in accordance with section 2.31 of the *Local Government Act 1995*, Cr Buckland's resignation was effective 31 March 2024.

At the Ordinary Meeting of Council on 18 April 2024, Council agreed to the cost estimate provided by the WAEC (Western Australian Electoral Commission); as detailed below:

COUNCIL RESOLUTION 24049

MOVED: CR LONGMORE

SECONDED: CR GIBB

That Council:

- 1. Agrees to the cost estimate of approximately \$16,000 (inc GST) provided by the Electoral Commissioner to conduct the Shire of Nannup 2024 Extraordinary Election as a postal election, and***
- 2. Requests the Chief Executive Officer to provide written confirmation to the Western Australian Electoral Commission of Council's acceptance of their offer.***

CARRIED BY ABSOLUTE MAJORITY

TOTAL VOTES FOR: 6

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

TOTAL VOTES AGAINST: 0

COMMENT:

Correspondence from the Electoral Commissioner is attached for informational purposes and states the WAEC's agreement to conduct the election for the Shire of Nannup at the agreed cost estimate; subject to Council endorsing the officer recommendation in this report.

STATUTORY ENVIRONMENT:***Local Government Act 1995*****4.8. Extraordinary elections**

(1) If the office of a councillor or of an elector mayor or president becomes vacant under section 2.32, an election to fill the office is to be held, except if the vacancy is filled under Schedule 4.1A or 4.1B.

(2) An election is also to be held under this section if section 4.57 or 4.58 so requires.

(3) An election under this section is called an extraordinary election.

[Section 4.8 amended: No. 2 of 2012 s. 10; No. 11 of 2023 s. 25.]

4.9 Election day for extraordinary election

(3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —

(a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and

(b) advise the CEO of the day fixed.

4.20. CEO to be returning officer unless other arrangements made

(4) A local government may, having first obtained the written agreement of the Electoral Commissioner, declare the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the election or elections.*

** Absolute majority required.*

4.61. Choice of methods of conducting election

*(1) The election can be conducted as a —
postal election which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day; or
voting in person election which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.*

(2) The local government may decide to conduct the election as a postal election.*

** Absolute majority required.*

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Funds are in current financial year budget.

STRATEGIC IMPLICATIONS:

Our Shire:

We listen to our community, are transparent, and act with integrity.

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.

Provide a stable, consistent, and honest government.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commission to be responsible for the conduct of the extraordinary election;
2. Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting the extraordinary election will be as a postal election.

COUNCIL RESOLUTION 24054

MOVED: CR HANSEN

SECONDED: CR BROWN

That Council:

1. Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commission to be responsible for the conduct of the extraordinary election;

2. Decide, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting the extraordinary election will be as a postal election.

CARRIED BY ABSOLUTE MAJORITY

TOTAL VOTES FOR: 6

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

TOTAL VOTES AGAINST: 0

AGENDA NUMBER & SUBJECT:	10.2 – 2024/25 Differential Rates and Minimum Rate
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Nil
FILE REFERENCE:	RAT1
AUTHOR:	Dale Putland – Acting Manager Corporate Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	24 April 2024
PREVIOUS MEETING REFERENCE:	
ATTACHMENT:	10.2.1 – Landgate Rural Assessments – summary of the 2023-24 Rural Unimproved General Valuation 10.2.2 - Differential Rating Proposal 2024/2025 - Statement of Objectives and Reasons

PURPOSE

For Council to endorse proposed differential general rates, minimum rates and Statement of Objectives and Reasons, attachment 10.2.2, for the 2024/25 financial year for the purpose of giving public notice.

BACKGROUND

The Shire imposes differential rates based on the purpose for which land is held or used. Prior to imposing differential general rates when Council adopts its 2024/25 budget, in accordance with section 6.36 of the *Local Government Act 1995*, the Shire is required to give local public notice of its intention to do so.

The differential general rates and minimum rate for the 2023/24 financial year were as follows:

2023/24	Rate-in-the-Dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.097188	\$1,163
GRV Industrial	0.104130	\$1,246
GRV Short Term	0.108135	\$1,294
Unimproved Values (UV)		
UV General	0.004710	\$1,092
UV Mining	0.004710	\$1,092
UV Plantation	0.005178	\$1,510

COMMENT

The average overall increase in rate revenue for 2024/25 financial year is 15.76%.

The following table shows the percentage increases in total revenue throughout the Differential Rating Categories:

Total					
Proposed 2024/25 Rates					
	Last Year's	Levied	Levy	% Change	
GRV	\$	998,926	\$	1,062,843	6.40%
UV	\$	888,802	\$	975,312	9.73%
GRV Industrial	\$	52,209	\$	57,428	10.00%
UV Plantations	\$	237,592	\$	375,122	57.88%
GRV Short Term	\$	64,699	\$	124,965	93.15%
	\$	2,242,228	\$	2,595,670	15.76%
Non-Minimums					
Proposed 2024/25 Rates					
	Last Year's	Levied	Levy	% Change	
GRV	\$	665,145	\$	641,723	-3.52%
UV	\$	733,738	\$	714,032	-2.69%
GRV Industrial	\$	48,471	\$	53,318	10.00%
UV Plantations	\$	233,062	\$	369,002	58.33%
GRV Short Term	\$	54,347	\$	95,445	75.62%
	\$	1,734,763	\$	1,873,520	8.00%
Minimums					
Proposed 2024/25 Rates					
	Last Year's	Levied	Levy	% Change	
GRV	\$	333,781	\$	421,120	26.17%
UV	\$	155,064	\$	261,280	68.50%
GRV Industrial	\$	3,738	\$	4,110	9.95%
UV Plantations	\$	4,530	\$	6,120	35.10%
GRV Short Term	\$	10,352	\$	29,520	185.16%
	\$	507,465	\$	722,150	42.31%

Revaluation

The *Valuation of Land Act 1978* empowers the Valuer General (Landgate) to conduct general valuations on a Gross Rental Valuation (GRV) basis within Western Australia at such times and frequency as is considered necessary (currently every 3 years) and Unimproved Valuation (UV) properties on an annual basis. Values are determined relative to sales and rentals at 1 August of the preceding year.

There is no GRV revaluation to impact the 2024/2024 rating year with the next to take effect for the 2025/2026 financial year Landgate undertook its last annual review of UV valuations on 1 August 2023, with these valuations proposed to take effective from 30 June 2024.

The 2023 revaluation of properties, effective from 1 July 2024, valued on a UV basis resulted in an overall valuation average increase of 23.25%.

Landgate advise that the analysis of sales at and around the date of valuation supports an increase in Unimproved Values for broadacre agricultural properties, with greater increase in the east compared to the west of the Shire. The evidence for smaller properties generally supports more limited to no increases in Unimproved Values compared to broadacre farming properties. Some variations to individual assessments may have occurred either as a product of the valuation process and/or inclusion of updated information.

Proposed Rate in the Dollar and Minimum Payment for 2024/25

The overall object of the Shire's differential rates is to raise rates revenue in a manner that is simple, efficient and equitable to all ratepayers within the district. The proposed differential general rates and minimum rate for the 2024/25 financial year are as follows:

2024/25	Proposed Rate-in-the-Dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.102047	\$1,280
GRV Industrial	0.114543	\$1,370
GRV Short Term	0.194643	\$2,460
Unimproved Values (UV)		
UV General	0.004192	\$1,420
UV Mining	0.004192	\$1,420
UV Plantation	0.005955	\$2,040

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Upon adoption of the 2024/25 Budget, the proposed rates in the dollar will generate sufficient rate revenue to deliver a balanced budget.

STRATEGIC IMPLICATIONS:

Section 6.36(1) of the *Local Government Act 1995 (Act)* states:

"Before imposing any differential general rates or a minimum payment applying to a differential rate category under section 6.35(6)(c) a local government is to give local public notice of its intention to do so."

The Act prescribes the information to be included in the public notice and requires a local government to consider any submissions received before imposing the proposed rates.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:		
That Council approves the Statement of Objectives and Reasons as per attachment 10.2.2 and the following differential rates and minimum rates for advertising in accordance with Section 6.36 of the <i>Local Government Act 1995</i> :		
Rate Category	Proposed Rate-in-the-Dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.102047	\$1,280
GRV Industrial	0.114543	\$1,370
GRV Short Term	0.194643	\$2,460
Unimproved Values (UV)		
UV General	0.004192	\$1,420
UV Mining	0.004192	\$1,420
UV Plantation	0.005955	\$2,040

COUNCIL RESOLUTION 24055

MOVED: CR BROWN

SECONDED: CR HANSEN

That Council suspend Standing Orders Local Law to allow for discussion on the agenda item.

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

COUNCIL RESOLUTION 24056	
MOVED: CR BROWN	SECONDED: CR HANSEN
That Council resume Standing Orders Local Law to allow for voting on the agenda item.	
CARRIED	
TOTAL VOTES FOR: 6 Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen, Cr Longmore.	
TOTAL VOTES AGAINST: 0	

COUNCIL RESOLUTION 24057		
MOVED: CR HANSEN	SECONDED: CR BROWN	
That Council approves the Statement of Objectives and Reasons as per attachment 10.2.2 and the following differential rates and minimum rates for advertising in accordance with Section 6.36 of the <i>Local Government Act 1995</i> :		
Rate Category	Proposed Rate-in-the-Dollar	Minimum Rate
Gross Rental Values (GRV)		
GRV General	0.102047	\$1,280
GRV Industrial	0.114543	\$1,370
GRV Short Term	0.194643	\$2,460
Unimproved Values (UV)		
UV General	0.004192	\$1,420
UV Mining	0.004192	\$1,420
UV Plantation	0.005955	\$2,040
		CARRIED
TOTAL VOTES FOR: 6 Cr Brown, Cr Dean, Cr Fraser, Cr Gibb, Cr Hansen, Cr Longmore.		
TOTAL VOTES AGAINST: 0		

12. MEETING MAY BE CLOSED:

Nil.

13. CLOSURE OF MEETING:

The Shire President declared the meeting closed at 2.57 pm.