



# Agenda

**Ordinary Council Meeting Thursday 22 August 2024**

**4.30 pm in Council Chambers, Nannup**

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## A G E N D A

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

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The Shire President is to declare the meeting open and welcome 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:**

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#### **2.1 ATTENDANCE**

Shire President	Anthony (Tony) Dean
Councillor	Lynette Curtis
Councillor	Patricia Fraser
Councillor	Cheryle Brown
Councillor	Timothy Sly
Councillor	Ian Gibb
Chief Executive Officer	David Taylor
Executive Manager Corporate	Kim Dolzadelli
Executive Manager Works and Services	Damon Lukins
Executive Support Officer	Lisa Atkinson

#### **2.2 APOLOGIES**

Nil

### **3. PUBLIC QUESTION TIME:**

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

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

Cr Hansen has approved Leave of Absence from this meeting.

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

Cr Brown has applied for leave of absence from 26 August 2024 - 11 September 2024

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**EXECUTIVE RECOMMENDATION:**

That Council endorse Cr Brown's application for leave of absence from 26 August 2024 -11 September 2024.

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**5. CONFIRMATION OF MINUTES:**

5.1 Shire of Nannup Ordinary Council Meeting – 25 July 2024

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**6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

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**7. DISCLOSURE OF INTEREST:**

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

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](#).

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


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AGENDA NUMBER & SUBJECT:	8.1 – Significant Tree Register and Tree Farms
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Cr Anthony (Tony) Dean
FILE REFERENCE:	Elected Member QoN
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 August 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	8.1.1 Significant Tree Register and Tree Farm

**BACKGROUND:**

The Shire President submitted Questions on Notice regarding a Significant tree Register and Tree Farms. These submitted questions and responses are provided at Attachment 8.1.1.

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the responses to the Questions on Notice regarding the Significant Tree Register and Tree Farms (attachment 8.1.1).

AGENDA NUMBER & SUBJECT:	8.2 – Shire of Nannup Community Bus
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Cr Anthony (Tony) Dean
FILE REFERENCE:	Elected Member QoN
AUTHOR:	David Taylor– Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 August 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	8.2.1 Significant Tree Register and Tree Farm

**BACKGROUND:**

The Shire President submitted Questions on Notice regarding the Shire of Nannup’s Community Bus. These submitted questions and responses are provided at Attachment 8.2.1.

**VOTING REQUIREMENT:**

Simple Majority

**EXECUTIVE RECOMMENDATION:**

That Council receives the responses to the Question on Notice regarding the Community Bus (attachment 8.2.1).

**9. PRESENTATIONS / DEPUTATIONS / PETITIONS:**

Nil

**10. REPORTS BY MEMBERS ATTENDING COMMITTEES:**

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Election of Councillors to Various Vacancies on Committees and Advisory Groups
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Elected Members Committees
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 August 2024
PREVIOUS MEETING REFERENCE:	Special Council Meeting 24 October 2023
ATTACHMENTS:	Nil

### BACKGROUND:

Following the resignations of two elected members, Robert Longmore and Christopher Buckland earlier this year, the Shire of Nannup conducted a Special Election that was held on the 19 July 2024 to fill these vacancies.

This saw Lynette Curtis and Timothy Sly join the Elected Member group.

The resignation of Mr Longmore and Mr Buckland resulted in vacancies on Committee and Advisory Groups they held representation. The purpose of this item is to allow Council to nominate and endorse new representatives for these vacancies.

### COMMENT:

At its Special Meeting of Council held on the 24 October 2023, Council nominated representation on the following Committees and Advisory Groups –

#### AUDIT ADVISORY COMMITTEE (AAC)

Section 7.1A of the *Local Government Act* states the following in respect to the appointment of an Audit Committee:

- (1) *A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.*
- (2) *The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members.*  
\* Absolute majority required.
- (3) *A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent him or her as a member of an audit committee.*



(4) *An employee is not to be a member of an audit committee.*

Council appointed all councillors as members of the Audit Advisory Committee.

#### BUSH FIRE ADVISORY COMMITTEE (BFAC)

These members are Chair and Deputy Chair on the Bush Fire Advisory Committee. This group is attended by the Chief Bushfire Control Officer (CBFCO), Deputy CBFCO's, local area Fire Control Officers (FCO), Department of Fire and Emergency Services (DFES), Department of Biodiversity Conservation and Attractions (DBCA) and Shire of Nannup Officers to discuss and provide advice to the local government on fire preparedness, management and response.

Cr Brown and Cr Fraser are the current representatives of this Committee.

#### LOCAL EMERGENCY MANAGEMENT COMMITTEE (LEMC)

These members are Chair and Deputy Chair on the Local Emergency Management Committee. This group is attended by various State and Local Agencies, local volunteer groups in the fields of medical and emergency management in the Shire of Nannup. The purpose of the group is to provide a coordinated preparedness and response to emergency management within the Shire of Nannup.

Cr Dean and Cr Gibb are the current representatives of this Committee.

#### LOCAL DRUG ACTION GROUP (LDAG)

These members are Chair and Deputy Chair on the local Drug Action Group. This group is attended by various State and Local Agencies/groups to provide a coordinated approach addressing local social issues within the Shire of Nannup.

Cr Hansen and Cr Brown are the current representatives of this Committee.

#### TOURISM COMMITTEE (TC)

This group involves Council, Shire staff and community/business representatives to discuss tourism development within the Shire of Nannup.

Council appointed all councillors as members of the Audit Advisory Committee.

#### AUSTRALIA DAY ADVISORY COMMITTEE (ADAC)

The purpose of this Committee is to assess the Nominations for the Citizen of the Year Awards.

For Councillors information, Policy No ADM 16 states the following in respect to the process for selection of the Awards:

*The Australia Day Advisory Committee will select recipients of awards in each category with assistance from the Economic and Community Development Officer. The Australia Day*

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*Advisory Committee's decision on the successful recipients is final and the decisions will be kept in confidence until the Australia Day ceremony.*

Cr Brown, Cr Fraser and Cr Hansen are current representatives on this Committee.

Mr Buckland and Mr Longmore were previously a representative on the Australia Day Advisory Committee and these two positions are needing to be refilled.

#### WARREN BLACKWOOD ALLIANCE OF COUNCILS (WBAC)

The Warren Blackwood Alliance of Councils is a voluntary group of councils meeting to discuss and work together collaboratively on regional priorities and initiatives. The member local governments are the Shire of Nannup, Donnybrook-Balingup, Bridgetown-Greenbushes, Boyup Brook and Manjimup.

The Alliance Constitution, Clause 11.2, relating to Composition of the Board, states the following:-

##### 11.2 Composition of Board

*(a) The management and control of the Alliance and its affairs and property shall be vested in the Board of persons comprised of:*

*(i) Two nominated delegates from each of the participating Warren Blackwood Municipalities,*

*(b) Each Municipal Member may nominate a permanent deputy to their Board delegate. In addition, the Chief Executive Officer shall act as deputy if the permanent deputy is not in attendance at a Board meeting*

Shire President is automatically nominated by Council as one of its representatives on the Warren Blackwood Alliance of Councils with an additional Councillor to be appointed. Clause 11.2 of the Alliance Constitution indicates that Council may nominate a Deputy to attend meetings in the absence of the appointed representatives. The CEO can also act in the deputy capacity.

Cr Dean and Cr Hansen are the current representatives on the Alliance. Mr Buckland was the nominated as a deputy proxy. The meetings are attended by the CEO and often acts as a proxy.

#### CLIMATE CHANGE IMPACT REFERENCE GROUP (CCIRG)

This group was formed under the WBAC with its purpose to share and collaborate on climate change and biodiversity knowledge and initiatives across the Warren Blackwood membership region.

Cr Dean and Cr Hansen are the current representatives on this group.

### REGIONAL ROAD GROUP (RRG)

This group has representatives from each of the 12 local government within the South West Region to decide on item relating to the Regional Road Group program allocation within the region.

Cr Gibb is the current representative on the group. Mr Longmore was the second representative and will need to have a replacement representative nominated.

These meetings are attended by the Executive Manager Works and Services.

### LOWER BLACKWOOD LAND CONSERVATION DISTRICT COMMITTEE (LCDC)

This Committee operates under the Soils Conservation Act and primarily works collaboratively on initiatives relating to biodiversity, land management and restoration, knowledge sharing and the like that supports farmers provide healthy eco-systems and environments. This group covers the Scott River Coastal Plain region of the Shire of Nannup.

Cr Fraser is the current representative on this Committee.

### WESTERN AUSTRALIAN LOCAL GOVERNMENT (WALGA) SOUTH WEST ZONE (SWWALGA)

This South West Zone is formed under the Western Australian Local Government Association (WALGA), the peak local government representative body in Western Australia. SWAALGA is an opportunity to discuss things of regional significance and also vote as a collaborative on issues, lobby requests and initiatives of the Zone.

Cr Dean is the appointed representative, the Chief Executive Officer is the proxy on the group. Cr Hansen is the deputy proxy in their absence.

### NANNUP CHAMBER OF COMMERCE AND INDUSTRY (NCCI)

The NCCI is the representative business community body in Nannup and works on a number of initiatives that support the local business network

### DEVELOPMENT ASSESSMENT PANELS (DAPs) – LOCAL GOVERNMENT NOMINATIONS

Each DAP meeting is constituted by up to five DAP Members comprising three Specialist Members and two Local Government Members. Specialist Members can be either Regular Specialist Members or Sessional Specialist Members. These are local government councillors who bring local knowledge and insights of the local community, as well as any relevant expertise, to the assessment of development proposals. Local Government Members are appointed from the Local Government Member register to the relevant DAP for their local government area. Each local government can nominate two members and two alternative members. A quorum constitutes any three DAP members of which one must be the Presiding Member.

An applicant may choose to have their Development Application assessed by a DAP where the development is \$2m or higher in value.

Cr Dean, Cr Hansen and Cr Brown are the current members. Mr Buckland was also a member and will need a replacement nominated.

Representation on this group requires Development Assessment Panel Training to be undertaken before fulfilling the role.

#### SUSTAINABILITY ADVISORY COMMITTEE (SAC)

The SAC is an advisory committee that provides direction, support and advice on areas of focus relating to sustainability initiatives and programs in Nannup. The committee consists of Elected Members, Shire staff and 4 community representatives with qualifications and experience in sustainability. This is a new committee formed in the last 12 months.

Cr Dean and Cr Hansen are the current representatives on this committee.

#### SENIORS HOUSING WORKING PARTY (SHWP)

The SHWP is an advisory group is to support and assist the Shire's direction in providing support to Nannup's ageing community including housing, supportive services and providing a community collaborative approach to solutions. The group consists of Elected Members, shire staff, Community Resource Centre and community representatives.

Cr Dean and Cr Hansen are the current representatives on this group.

#### **STATUTORY ENVIRONMENT:**

Nil

#### **POLICY IMPLICATIONS:**

Nil

#### **FINANCIAL IMPLICATIONS:**

Nil

#### **STRATEGIC IMPLICATIONS:**

Shire of Nannup Strategic Community Plan

#### **VOTING REQUIREMENT:**

Simple Majority

#### **OFFICER RECOMMENDATION:**

That Council appoints Cr \_\_\_\_\_ and Cr \_\_\_\_\_ to the Australia Day Advisory Committee.

**OFFICER RECOMMENDATION:**

That Council nominates Cr \_\_\_\_\_ as a deputy to the above appointments as per the Alliance Constitution.

**OFFICER RECOMMENDATION:**

That Council appoints Cr \_\_\_\_\_ on the Regional Road Group

**OFFICER RECOMMENDATION:**

That Council endorses Cr \_\_\_\_\_ being appointed as the new Development Assessment Panel Member.

AGENDA NUMBER & SUBJECT:	11.2 – Delegated Planning Decisions for July 2024
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 August 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 – 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 July 2024 is presented in Attachment 11.2.1.

### 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 July 2024, four (4) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for July 2024 compared to July 2023:

	July 2023	July 2024
<b>Delegated Decisions</b>	4 (\$408,000)	4 (\$269,412.74)
<b>Council Decisions</b>	0	0 (\$0)
<b>Total</b>	<b>4 (\$408,000)</b>	<b>(\$269,412.74)</b>

100% of all approvals issued in the month of July 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 REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for July 2024 as per Attachment 11.2.1.

AGENDA NUMBER & SUBJECT:	11.3 – Shire of Nannup Community Grants Program Round 1
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ASS 5
AUTHOR:	Nicole Botica – Economic and Community Development Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 August 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	11.3.1 –Shire Community Grants 2024/2025 Round 1

### **BACKGROUND:**

The Shire of Nannup advertises the Community Grants Program twice a year, aiming to provide financial support for community projects that align with the Shire's vision.

Round 1 of the program opens in March each year and closes on the last day of April, with successful projects announced following the approval of the annual budget. Round 2 opens in September and closes on the last day of October for projects commencing between January and June.

The total budget for the Community Grants Program is \$25,000, with \$15,000 allocated to Round 1 and \$10,000 allocated to Round 2. The allocation of funds is guided by the Community Grant Guidelines.

Eligible projects must be submitted by not-for-profit community organisations, preferably incorporated. In some cases, individuals may apply, particularly for smaller community events or projects where there is a demonstrated significant benefit to the community. Where possible, it is preferred that individuals have the support of an incorporated community organisation.

Organisations outside the Shire of Nannup may apply; however, they must clearly demonstrate how their project will benefit the residents and community of Nannup.

### **COMMENT:**

The current round of applications for the 2024-2025 Round 1 includes nine submissions, with one organisation requesting a waiver of fees. Five of the projects are seeking small grants of \$500 or less, while three projects are requesting larger grants ranging from \$2,000 to \$3,000.

The Nannup Chamber of Commerce and Industry (NCCI) has submitted requests for support for three different projects, including two small grants and one large grant.

It is important to note that the Noonooda Nannup Community Garden is not incorporated and is receiving support through the Nannup Garden Village to maintain the garden. The



garden is located on privately owned property without a formal agreement to develop the space as a community garden.

The Nannup Community House has provided support to the group to enhance the space for community garden activities during the Experience Nannup, Nannup Flower & Garden Festival.

Furthermore, amendments to the Community Grant Guidelines and Application Form are recommended for Round 2, to encourage unincorporated groups to provide letters of support from Auspice groups and any other additional supporting information that is to be considered by council when approving applications for support.

For more details on the projects requesting support through the grant program, please refer to Attachment 11.2.1.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

FNC 3 – Community Groups and Donations

**FINANCIAL IMPLICATIONS:**

The total grant money's requested is below the \$15,000 threshold for Round 1, totalling \$11,343.

**STRATEGIC IMPLICATIONS:**

Extract from the 2021-2036 Nannup Community Strategic Plan

Our Community

1.1 Who we are

We will retain our pride in being small, unique and friendly town that is a vibrant and engaging place to live

Our Economy

2.2 Tourism and attraction

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

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council

That Council;

1. Support the request of the following applications in the Round 1 for the Community Grant Program totalling \$10,843:
  - a) Small \$600 Fee Waiver Nannup Auskick
  - b) Small \$500 Cash Payment Friends of the Nannup Foreshore
  - c) Small \$349 Cash Payment Friends of Darradup Volunteer Bush Fire Brigade Inc
  - d) Small \$500 Cash Payment Nannup Chamber of Commerce and Industry Inc
  - e) Small \$500 Cash Payment Nannup Chamber of Commerce and Industry Inc
  - f) Large \$3000 Cash Payment Nannup Chamber of Commerce and Industry Inc
  - g) Large \$2994 Cash Payment Nannup Community Cinema Incorporated
  - h) Large \$3000 Cash Payment Friends of Community House Nannup Inc
2. Council encourages the Noonooda Nannup Community Garden to formalise as a group or committee or seek auspice under another organisation. Additionally, Council advises the group to seek support from the landowners to develop the community garden site. Council recommends that the group apply for the next round of grants with written permission from the landowners to make improvements to the garden.

AGENDA NUMBER & SUBJECT:	11.4 – WALGA Annual General Meeting – Voting Delegate Nominations
LOCATION/ADDRESS:	Not Applicable
NAME OF APPLICANT:	Western Australian Local Government Association
FILE REFERENCE:	DEP 14
AUTHOR:	Lisa Atkinson – Executive Support Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 August 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENTS:	Nil

**BACKGROUND:**

WALGA writes to advise that all Member Councils are entitled to be represented by two (2) voting delegates at the Annual General meeting of WALGA to be held at Perth Convention and Exhibition Centre on **Wednesday, 9 October 2024**.

WALGA is therefore seeking the names of the voting delegates together with proxy voting delegates.

**COMMENT:**

This is a standing annual agenda item seeking voting delegates in writing. Only registered delegates and proxy registered delegates will be permitted to exercise voting entitlements on behalf of Member Councils. Delegates may be Elected Members or the Chief Executive Officer if there are not enough Elected Members attending the Annual General Meeting.

**STATUTORY ENVIRONMENT:**

Nil

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

The 2024/25 Annual Budget includes allocation for the Council to attend the WALGA Convention.

**STRATEGIC IMPLICATIONS:**

Nil

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council nominates the Shire President and \_\_\_\_\_ as its Voting Delegates to the Western Australia Local Government Association Annual General meeting to be on Wednesday 9 October 2024 with \_\_\_\_\_ and \_\_\_\_\_ being appointed as the proxy delegates.

AGENDA NUMBER & SUBJECT:	11.5 – Shire of Nannup Risk Management Review
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Risk Management
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor– Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	15 August 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.5.1 - Risk Management Policy 11.5.2 – Shire of Nannup Risk Register 11.5.3 - Risk Management Framework 11.5.4 - Risk Management Procedure

### **BACKGROUND:**

The Shire of Nannup considers risk management to be an essential management function in its operations. It recognises that the risk management responsibility for managing specific risks lies with the person who has the responsibility for the function, service or activity that gives rise to that risk.

The objective of risk management is to develop a culture and awareness across the organisation in applying risk management processes and practices to ensure effective management and mitigation of adverse effects and events to ensure a safe workplace and reduce the potential costs of risk through the implementation of a risk management framework.

### **COMMENT:**

The Risk Management System underwent an update in March 2024 with the following documents being produced/reviewed to provide an improved risk management system.

1. Risk Management Policy
2. Risk Management Framework
3. Risk Management Procedure
4. Risk Register

Risk Management is a system that undergoes continuous review and improvement to maintain best practices. This review provides the solid base for the Shire of Nannup Management System to build upon.

These documents were endorsed by the Audit and Risk Committee on 26<sup>th</sup> March 2024. The Shire recently underwent its Interim Audit for the 30 June 2024 financial year and the OAG stated that the Risk Review undertaken in March 2024 should have also gone to the Ordinary Council Meeting for endorsement. This is the reason for this item being brought for Council adoption.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995 – Section 5.41*

*Local Government (Audit) Regulations 1996 – Regulation 17*

**POLICY IMPLICATIONS:**

*RM1 – Risk Management*

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Risk Management System

**VOTING REQUIREMENT:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council endorses the updated Shire of Nannup Risk Management System Review encompassing the following documents:

- a) Risk Management Policy (Attachment 11.5.1)
- b) Risk Register (Attachment 11.5.2)
- c) Risk Management Framework (Attachment 11.5.3); and
- d) Risk Management Procedure (Attachment 11.5.4).

AGENDA NUMBER & SUBJECT:	11.6 – Delegation 1.2.20 Grant Discounts, Donations, Waive or Write-Off Debts
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	Delegations Register
AUTHOR:	David Taylor- Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	15 August 2024
PREVIOUS MEETING REFERENCE:	OCM March 2023
ATTACHMENT:	11.6.1 – Delegation 1.2.20 Grant Discounts, Donations, Waive or Write-Off Debts

### **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 pursuant 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.

Council have delegated authority to the Chief Executive Officer the ability to grant discounts, donations, waive or write off debts up to an individual limit of \$500 per request, up to a combined total not exceeding \$5,000 per annum.

In order to maintain efficiencies, the CEO is seeking to have this increased to \$600 per request, up to a combined total not exceeding \$10,000 per annum.

**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

**POLICY IMPLICATIONS:**

Delegation 1.2.20 Grant Discounts, Donations, Waive or Write-Off Debts

**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 REQUIREMENTS:**

Absolute majority

**OFFICER RECOMMENDATION:**

That Council approve the updated Delegation 1.2.20 Grant Discounts, Donations, Waive or Write-Off Debts as attached at 11.6.1.



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


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12.1 – Notice of Revocation Motion from Cr Ian Gibb – Brockman Street Closure during Nannup Music Festival 2025 – Revocation of Resolution 23190

**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.

Requirements per *Standing Orders Local Law 2010*

Motion Moved	Cr Ian Gibb
Motion Supported – Elected Member 1	Cr Anhtony (Tony) Dean
Motion Supported – Elected Member 2	Cr Cheryle Brown

**CR GIBB REASON FOR REVOCATION:**

The revocation of the above motion is to assist the management of the Nannup Music Club Inc to deliver the Nannup Music festival within the business model that they currently operate.

**OFFICER COMMENT:**

This motion is returning to Council for decision because the same motion to revoke resolution 23190 that was passed at the Special Council Meeting held on the 29<sup>th</sup> April 2024 was invalid due to an Absolute Majority decision cannot be determined by a casting vote in the event of a tie. A casting vote can only be cast when a decision does not require Absolute Majority, i.e. Simple Majority decisions.

For an Absolute Majority decision such as this one to pass, a minimum 4 councillors are required to vote in favour of the motion.

Please refer to Attachments for previous meetings reference information:

12.1.1 / 12.1.2 / 12.1.3 / 12.1.4

**VOTING REQUIREMENTS:**

Absolute Majority

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.”*

## 12.2 – Notice of Motion from Cr Ian Gibb – Forest Products Commission and Shire of Nannup Relationship

### **CR GIBB MOVES THE FOLLOWING:**

That Council instruct the Chief Executive Officer (CEO) to take positive steps through verbal and written dialogue to inform Forest Products Commission that the Nannup Shire Council (NSC) wish to build positive relationships with Forest Products Commission, (FPC) to work collaboratively in the future to move forward with a respectful and commercial relationship. It is incumbent upon all Councillors to reflect on this when engaging with Forest Products Commission's Officers.

### **BACKGROUND TO MOTION:**

Nannup Shire Council's Councillors, have been in conflict with the Forest Products Commission. The conflict is being referred to as negative engagement between Nannup Elected Council and FPC's Management. After rejecting a Development Application Resolution 23063, FPC subsequently appealed that decision and then withdrew from the appeal process based on their legal advice that "they could develop the said Plantation under Public Works".

FPC have in the past engaged with NSC to develop bike trails on lands owned by the State Government with FPC established tree plantations. Due to the impasse we are currently experiencing, Nannup Shire Council needs to demonstrate leadership to resolve the impasse for the benefit of Nannup Community, Nannup's Economy and to engage in a professional pathway forward.

A resolution will compliment Nannup's desire to collaborate in any activities that NSC and FPC can benefit from.

The mending of the relationship between NSC and FPC will enhance Nannup's desire to consolidate its position to become a Trail Town in WA and contribute to the economy of Nannup.

Without a resolution and positive mending of the NSC/FPC relationship, we put at risk significant unidentified opportunities in future development here in Nannup.

### **OFFICER COMMENT:**

### **STATUTORY ENVIRONMENT:**

Council executed its decision-making abilities under the Planning and Development Framework in relation to the Development Application submitted by FPC to develop a pine plantation in the Folly Road area. Meeting Reference Resolution 23063 at the Ordinary Meeting of Council held on the 25<sup>th</sup> May 2023.

FPC commenced their legal avenues to challenge that decision at the State Administrative Tribunal (SAT). As they are a Government Corporate Entity, they had access to the State Solicitors Office for representation. The State Solicitors Office advised FPC that the FPC's establishment of tree farms meets the definition of Public Works under the *Public Works Act 1902* and therefore do not require development approval through a local government authority. The Shire has received independent legal advice stating that the State Solicitors Office position could be challenged as it does not meet the definition of Public Works. It would require a court ruling to determine a definitive outcome on this matter, to date this has not gone any further other than FPC being issued a letter advising that the Shire reserves it right to challenge the public works position.

#### **POLICY IMPLICATIONS:**

Shire of Nannup Local Planning Policy – LPP16 – Tree Farms

#### **STRATEGIC IMPLICATION:**

The Shire of Nannup has been negotiating with Forest Products Commission (FPC) to support a location to develop the final stage of the Trail Town Project, the second regionally significant mountain bike park in Nannup.

The Shire's ability to reach positive outcomes with FPC has been challenging since the Development Application refusal and FPC/State Solicitors position on FPC plantation establishment position of public works.

Upon the establishment of Nannup Tank 7 MTB in 2022, the Shire entered into a Memorandum of Understanding (MoU) with DBCA and FPC individually to grant authority to access the trail alignments on the site as a lease/licence arrangement would take 2 years to establish through DBCA processes. DBCA have advised that this lease/licence is currently awaiting a response from FPC under their consultation arrangements.

#### **FINANCIAL IMPLICATIONS:**

Current:

- Regional Recovery Partnership Grant – This is a federal grant awarded to the Shire of Nannup for the establishment of a second Mountain Bike Park (MTB), the Department of Biodiversity, Conservation and Attractions (DBCA) site originally identified had conservation constraints and the Shire is working on an alternative solution to construct this MTB park. A majority of suitable alternative opportunities fall within FPC pine plantations. If a suitable site cannot be secured then the Shire risks the loss of funding.
- Event approvals – FPC approvals for events within FPC pine plantations now site the General Manager (CEO) rather than decisions being made at the local FPC Nannup level. This includes events that are conducted on DBCA forestry access tracks throughout the Shire.

- FPC Sponsorship Program – FPC Small Grants applications from community groups, local events. FPC recently sponsored the Warren Blackwood Alliance of Councils 2024 Tourism Conference (\$3,000) but were not able to make a decision to sponsor the 2024 Nannup Flower and Garden Festival.
- FPC Fire Grants – These are being continued currently based on merit via an annual application program, also covers other local government areas where FPC pine plantations are established.

**Future Potential:**

- If Council wish to pursue a court ruling or breaches of the Planning and Development Act on the current State Solicitors Office position of FPC tree plantations being classified as Public Works.
- Potential loss of grant opportunities for Trail Development in the Shire within the Forest Products managed pine plantations.
- Social and economic risks associated within the community as plantations are established within the Shire without having other opportunities available (population, loss of tourism opportunities, land access risks).
- Fire risks associated within the community as plantations are established within the Shire, especially when established close to populated areas and including increased pressure on the volunteer bushfire brigades.

**VOTING REQUIREMENTS:**

Simple Majority

That Council instruct the Chief Executive Officer (CEO) to take positive steps through verbal and written dialogue to inform Forest Products Commission that the Nannup Shire Council (NSC) wish to build positive relationships with Forest Products Commission, (FPC) to work collaboratively in the future to move forward with a respectful and commercial relationship. It is incumbent upon all Councillors to reflect on this when engaging with Forest Products Commission's Officers.

12.3 – Notice of Motion from Cr Cheryle Brown – Short Term Accommodation Planning Policy

**CR BROWN MOVES THE FOLLOWING:**

That Council;

Directs the Chief Executive Officer to explore options for either amending the Local Planning Policy LPP 9, which covers Tourism Land Uses and Short-Term Accommodation, or creating a new Local Law, with the purpose of restricting the locations within the Nannup Town-site (including Moonlight Ridge Estate, North Nannup, and Cockatoo Valley) where holiday houses or unattended short-term accommodations are permitted.

That the CEO report back to Council by the December 2024 Council meeting.

**BACKGROUND TO MOTION:**

In recent years, the Shire of Nannup has experienced a significant decline in the availability of long-term residential properties. This shortage has led to a notable increase in planning applications for holiday homes and short-term accommodation options, such as those listed on platforms like Airbnb.

This trend mirrors challenges faced by other regions, notably the City of Busselton and the Shire of Augusta Margaret River. Both of these Councils have taken proactive measures to address similar issues. The City of Busselton responded by introducing a Holiday Homes Local Law, along with making amendments to their local planning scheme and policies. Meanwhile, the Shire of Augusta Margaret River opted to amend their Local Planning Policy to manage the impact on their housing market.

The reduced availability of residential properties in Nannup is having a detrimental effect on the local community. It is impacting the ability of the local workforce to find housing, reducing the number of families who can live in Nannup, and affecting residents' capacity to remain in the community if their rental properties are sold. Addressing these issues has become crucial to maintaining the economic sustainability, vibrancy and stability of the community.

This motion specifically targets unattended short term accommodation properties such as those intended for temporary stays, rather than chalet-style businesses. Any proposed amendments to the planning policy would not apply retroactively but would be used for new applications or changes to property ownership.

Reference:

- Shire of AMR - Short Stay Accommodation Local Planning Policy [Short-Stay-Accommodation-Local-Planning-Policy.pdf \(amrshire.wa.gov.au\)](https://www.amrshire.wa.gov.au/Short-Stay-Accommodation-Local-Planning-Policy.pdf)

- City of Busselton – Holiday Homes Amendment Local Law 2022, and Holiday Homes Regulatory Framework  
[Holiday Homes Regulatory Framework » City of Busselton](#)

**STATUTORY ENVIRONMENT:**

Planning and Development Framework.  
Local Law Development – *Local Government Act 1995*

**POLICY IMPLICATIONS:**

Update of the Shire of Nannup Local Planning Policy – LPP9 – Tourism Land Uses and Short Term Accommodation

Or

The development of a Local Law relating to this issue.

**FINANCIAL IMPLICATIONS:**

Both policy development and local law development can require considerable officer time to research and develop given complexities, both also have their minimum advertising requirements.

**VOTING REQUIREMENTS:**

Simple Majority

That Council;

1. Directs the Chief Executive Officer to explore options for either amending the Local Planning Policy LPP 9, which covers Tourism Land Uses and Short-Term Accommodation, or creating a new Local Law, with the purpose of restricting the locations within the Nannup Town-site (including Moonlight Ridge Estate, North Nannup, and Cockatoo Valley) where holiday houses or unattended short-term accommodations are permitted.
2. That the CEO report back to Council by the December 2024 Council meeting.

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**13. MEETING MAY BE CLOSED:**

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AGENDA NUMBER & SUBJECT:	13.1 – CONFIDENTIAL ITEM – Chief Executive Officer Leave Request
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor, Chief Executive Officer
FILE REFERENCE:	Employment File
AUTHOR:	David Taylor, Chief Executive Officer
REPORTING OFFICER:	David Taylor, Chief Executive Officer
DISCLOSURE OF INTEREST:	Confidential Interest – Chief Executive Officer
DATE OF REPORT	15 August 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	Nil

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**14. CLOSURE OF MEETING:**

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**Attachments**

<b>Item #</b>	<b>Attachment #</b>	<b>Title</b>
<b>5.1</b>	1	Minutes of the Shire of Nannup Ordinary Council Meeting 25 July 2024
<b>8.1.1</b>	1	Significant Tree Register and Tree Farm
<b>8.2.2</b>	1	Community Bus
<b>11.2.1</b>	1	Register of Delegated Development Approvals
<b>11.31</b>	1	Shire Community Grants 2024/2025
<b>11.5.1</b>	1	RM1 Risk Management Policy
<b>11.5.2</b>	1	Shire of Nannup Risk Management Register
<b>11.5.3</b>	1	Risk Management Framework
<b>11.5.4</b>	1	Risk Management Procedure
<b>11.6.1</b>	1	Delegation 1.2.20 - Grant Discounts Donations, Waive, or write of debts
<b>12.1.2</b>	1	Community Survey Report
<b>12.1.3</b>	1	Nannup Music Festival 2024 Survey
<b>12.1.4</b>	1	Unsolicited Feedback
<b>12.1.5</b>	1	Notice of Motion to Revoke – Cr Gibb