



Minutes

Ordinary Council Meeting held Thursday 23 March 2023

Scott River Bush Fire Brigade Shed, Milyeannup Coast Road, Scott River

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A G E N D A

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

Shire President Cr Dean declared the meeting open at 4.32pm and welcomed the public gallery.

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)	Kellie Jenkins – Deputy CEO/Manager Corporate Services
Cr Chris Buckland	Jonathan Jones – Manager Infrastructure
Cr Patricia Fraser	
Cr Ian Gibb	
Cr Charles Gilbert	
Cr Bob Longmore	

Public Gallery
Barbara Dunnet, John Dunnet, others not listed.

2.2 APOLOGIES

Cr Brown

3. PUBLIC QUESTION TIME:

3.1 RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE:

Please see attached response to questions take on notice at the February 2023 Ordinary Council Meeting.

3.2 QUESTION TIME:

Barbara Dunnet – Milyeannup Coast Road

Q 1 – We have had two strategic plans written for the Scott River which is an area of Priority Agriculture of State significance (The Scott Coastal Plains Strategy for a Sustainable Future, June 2001 and Scott River Economic Strategy, November 2020). Both of these documents recommended an upgrade to basic infrastructure in the district. There has been little or no action from government at any level except for the government funded upgrade to Milyeannup Coast Road in the early 2000's. The SWDC (November 2022) has recommended to the Shire President that they would support an application to the Federal Government RIF fund for the upgrade to Milyeannup Coast Road, the sealing of Governor Broome Rd and working with AMR Shire for Dennis Road to be sealed. These roads were identified and prioritised by the Lower South West Growers Group (previously known as Scott River Growers Group) and put in a recommendation to both the AMR and Nannup shires in 2017. Can you please update us on the progress of the application?

A 1 – No update to provide and the question was taken on notice.

Q 2 – Eight years ago, we had clear road verges and table drains on Milyeannup Coast Rd south of this fire shed. Previous to this DBCA placed vegetation protection signs on the outer edge of the table drains and not next to the gravel road verge. The shire also had an annual spray plan for both sides of the road. Why has the Shire allowed the table drains to return to vegetation and no maintenance carried out in the last 8 years on this section of road? Please tell us what plans and what timeline is for the Shire of Nannup to rectify this situation?

A 2 – The CEO responded advising that the vegetation markers were identified rare flora according the Department of Biodiversity Conservation and Attractions (DBCA) within that road corridor. The implications of that means that maintenance is not allowed to be conducted in the vicinity of the markers, vicinity is undefined. The markers are at each end and indicates the flora exist within the road corridor. When the Shire has approached BDCA regarding the flora markers, they advised that there are identified plants within the roads corridor and that the Shire would need to apply for a clearing permit to undertake maintenance, which may or may not be approved. The Shire has recently approved funds within the budget to proceed with clearing permit applications, of which Millyeanup Road is one of those identified roads.

Q 3 – With the growth in agriculture in the area south of Milyeannup bridge, we are facing ever increasing safety issues with the size and frequency of trucks on the road and the lack of maintenance, pruning etc. of the road verge. Can the Shire please look at options and implement a course of action to resolve the lack of road width on the hill 2km south of the

Woodaburru/Milyeannup Coast Rd intersection? There is insufficient room for a truck and a car to pass and do some tree pruning on the corners.

A 3- This will be looked into by the Manager Infrastructure.

Q 4 – Can we get the details/family names on the trails sign at the entry sign on Woodaburru Road corrected?

A 4 – Yes this can be done to reflect the correct names.

Q 5 – Why was there no localised consultation with the residents of the Scott River in relation to the change of zoning in the coastal zone? What are the implications of the change in land use policy?

A 5 – Scheme No.4 changes were publicly advertised, the implications of these changes was taken on notice.

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

4.1 APPROVED LEAVE OF ABSENCE:

Nil.

4.2 APPLICATION FOR A LEAVE OF ABSENCE:

Nil.

5. CONFIRMATION OF MINUTES:

5.1 Local Emergency Management Committee – 2 February 2023

COUNCIL RESOLUTION 23017

<i>MOVED CR BUCKLAND</i>	<i>SECONDED CR HANSEN</i>
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That the Minutes from the Local Emergency Management Committee meeting held 2 February 2023 be received (attachment 5.1).

CARRIED (7/0)

5.2 Local Drug Action Committee – 15 February 2023

COUNCIL RESOLUTION 23018

MOVED CR HANSEN	SECONDED CR BUCKLAND
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That the Minutes from the Local Drug Action Group meeting held 15 February 2023 be received (attachment 5.2).

CARRIED (7/0)

5.3 Ordinary Council Meeting – 23 February 2023

COUNCIL RESOLUTION 23019

MOVED CR LONGMORE	SECONDED CR BUCKLAND
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That the Minutes from the Ordinary Meeting of Council held 23 February 2023 be confirmed as a true and correct record (attachment 5.3).

CARRIED (7/0)

5.4 Western Australian Local Government Association – South West Zone – 15 February 2023

COUNCIL RESOLUTION 23020

MOVED CR GILBERT	SECONDED CR FRASER
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That the Minutes from the Western Australian Local Government Association – South West Zone meeting held 15 February 2023 be received (attachment 5.4).

CARRIED (7/0)

5.5 Bush Fire Advisory Committee – 6 February 2023

COUNCIL RESOLUTION 23021

MOVED CR BUCKLAND	SECONDED CR FRASER
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That the Minutes from the Bush Fire Advisory Committee meeting held 6 February 2023 be received (attachment 5.5).

CARRIED (7/0)

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

Nil.

7. DISCLOSURE OF INTEREST:

Cr Gibb declared an impartiality interest in agenda item 11.1 – Development Application – Proposed Tree Farm (Pine Plantation) as he owns a nearby property to the proposed tree farm location.

Edge Planning & Property receive a payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995).

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

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

Nil.

9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

Maighread Nidheasuna (on behalf of herself and Craig McFarlane, property owners of 7777 (Lot 11) Brockman Hwy, Nannup; made a presentation in regard to agenda item 11.1 – Development Application – Proposed Tree Farm (Pine Plantation).

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Development Application – Proposed Tree Farm (Pine Plantation)
LOCATION/ADDRESS:	Lot 1 on Diagram 23683, Lot 4 on Diagram 22291 and Lots 31, 32, 33, 43, 44 & 45 on Deposited Plan 228954
NAME OF APPLICANT:	Forest Products Commission
FILE REFERENCE:	A1507 & A1844
AUTHOR:	Jane Buckland - Development Services Coordinator Steve Thompson – Consultant Planner
REPORTING OFFICER:	David Taylor - Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive a payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the Local Government Act 1995)
DATE OF REPORT	7 March 2023
ATTACHMENTS:	11.1.1 - Location Map 11.1.2 - Information from applicant 11.1.3 - Submissions 11.1.4 - Further information from applicant 11.1.5- Local planning framework: extract of key documents 11.1.6 - Extract from <i>State Planning Policy 2.5 Rural Planning and Rural Planning Guidelines</i> 11.1.7 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 11.1.8 - Peer review of Fire Management Plan

BACKGROUND:

A Development Application has been lodged for a tree farm (*pinus radiata* plantation) to be established on Lot 1 on Diagram 23683, Lot 4 on Diagram 22291 and Lots 31, 32, 33, 43, 44 and 45 on Deposited Plan 228954, Nannup as shown in Attachment 11.1.1.

The site is located approximately 1.5 kilometres east of the Nannup town site at its closest point. The properties have a total area of 341 hectares and the applicant proposes to develop 271 hectares across the eight parcels of land for the purpose of softwood timber production. The properties were originally purchased by the West Australian Government in the 1960s with a softwood plantation established in the late 1960s by the Forest Department. The land was sold in the early 1990s with management of the properties reverting to the owner. In recent years the management of the property has been limited to harvesting of self-seeded pine “wildlings” with a majority of the property left fallow.

Attachment 11.1.2 outlines the details submitted by FPC which were subject to public consultation.

The site is subject to various easements and contains an arboretum.

Consultation

The Shire administration undertook consultation through inviting public comment on the Development Application for a period of 21 days by writing to 10 adjoining and nearby landowners along with the East Nannup Volunteer Bush Fire Brigade, Balingup Road Volunteer Bush Fire Brigade, Chief Fire Control Officer, Nannup Historical Society and the Nannup Chamber of Commerce and Industry, placing details on the Shire website and having details available at the Shire office.

The Shire received 7 submissions on the Development Application which are outlined in Attachment 11.1.3.

Three submissions raised objections for lack of privacy and the potential for anti-social behaviour, increased fire risk, lack of sufficient fencing and the impact of weed control methods on neighbouring properties and watercourses. Three submissions did not object to the proposal but did raise concerns surrounding increased traffic, control of pests and weeds, increased fire risk, access to the plantation by heavy vehicles, fencing and the potential future use of the plantation for mountain bike trails. One submission was in support of the proposed plantation.

In accordance with established practice, the Shire administration has liaised with the applicant since the receipt of submissions. The applicant has in turn responded with a detailed response to all issues raised by the submitters as shown in Attachment 11.1.4 along with a letter of support from Cycling Eventures Pty Ltd.

Planning framework

Attachment 11.1.5 sets out an extract of key local planning documents relevant to this Development Application.

The whole of the application site is zoned “Rural” in the *Shire of Nannup Local Planning Scheme No.4* (LPS4).

Other key local planning documents related to the proposal include the *Shire of Nannup Local Planning Strategy* (LPS), *Local Planning Policy LPP20 Developer and Subdivider Contributions*, *Local Planning Policy LPP21 Bush Fire Management* and *Local Planning Policy LPP23 Plantations and Agroforestry*.

“Tree farm” is a “D” use in the Rural Zone as set out in the LPS4 Zoning Table. This means that the use is not permitted unless the local government has exercised its discretion by granting development approval.

LPS4 enables a tree farm to be considered on land zoned “Rural” and on some land zoned “Priority Agriculture”. An exception is on Priority Agricultural zoned land in the Biddelia, Carlotta and Cundinup localities. Table 5 of LPS4 for ASR4 states “Tree Farms will not be supported by the Local Government.” The application site is outside of the prohibited area.

The LPS states the following in regards to tree plantations:

“The local government’s strategy in regard to tree plantations is to:

- a) support the establishment of plantations and farm forestry on land zoned Rural, and consider on its merits plantations and farm forestry on land zoned Priority Agriculture; and
- b) require relevant planning considerations to be met including bushfire management, vermin management, identification of a suitable harvesting route and appropriate arrangements to ensure the local government roads are in a similar condition post harvesting as pre-harvesting.”

The objectives of *Local Planning Policy LPP23 Plantations and Agroforestry* (LPP23) are to:

1. Promote agroforestry where integrated with other rural and/or conservation activities and where it is effectively managed.
2. Outline areas favoured for plantations along with non-preferred locations.
3. Ensure that relevant planning considerations are suitably addressed.
4. Conserve and enhance environmental assets.
5. Ensure best practice design and fire management practice for plantations and agroforestry.
6. Assist the local government in determining applications for agroforestry and plantations by setting out matters local government will have regard for in assessing applications.
7. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

Generally however the Shire discourages:

- plantations that by virtue of their topography, physical size, their inability to access strategic water supplies for fire-fighting purposes, or their close proximity to vulnerable uses, sensitive uses or habitable buildings, present an unacceptable fire risk or otherwise are unable to satisfy the *FESA Guidelines for Plantation Fire Protection*;
- new plantations in areas within the Landscape Values Special Control Area as set by LPS3 unless associated with a landscape assessment for land that has not been subject to a plantation which was established prior to 16 September 1983 or to a previously approved plantation; and
- new plantations within 3 kilometres of the Nannup townsite.

The onus of proof rests with the applicant to justify their application based on the requirements of this Policy. Additionally, applicants are required to justify their application if variations are proposed to this Policy.

Local Planning Policy LPP20 Developer and Subdivider Contributions (LPP20) provides guidance for Council in obtaining contributions in the form of land, infrastructure works, monetary payment, or agreed in-kind contributions from developers for the provision, extension or improvement of infrastructure, services or facilities.

Local Planning Policy LPP21 Bush Fire Management (LPP21) provides guidance for assessing development applications where the development is located in a bushfire prone area or will increase the risk of bush fire in an area.

The application and the site are also subject to a range of State planning, environmental, bushfire and servicing policies and documents. This includes *State Planning Policy 2.5 Rural Planning* (SPP2.5), *Rural Planning Guidelines*, *State Planning Policy SPP3.7 Planning in Bushfire Prone Areas* (SPP3.7) and *Guidelines for Planning in Bushfire Prone Areas*.

SPP2.5 generally supports tree farming through its policy objectives:

- “(a) support existing, expanded and future primary production through the protection of rural land, particularly priority agricultural land and land required for animal premises and/or the production of food; and
- (b) provide investment security for existing, expanded and future primary production and promote economic growth and regional development on rural land for rural land uses.”

“Tree farming” is an umbrella term used to describe the planting of trees to generate economic return and/or environmental benefits. An extract from SPP2.5 is shown in Attachment 11.1.6.

In addition to the above objectives, SPP2.5 also states:

“WAPC policy in regard to tree farming is:

- (a) tree farming is supported and encouraged on rural land as a means of diversifying rural economies and providing economic and environmental benefit;
- (c) tree farming should generally be a permitted use on rural land, except where development of a tree farm would create an extreme or unacceptable bushfire risk or when responding to specific local circumstances as identified in a strategy or scheme;
- (d) local governments should manage the location, extent and application requirements for tree farming in their communities through local planning strategies, schemes and/or local planning policies;
- (e) in planning for tree farming, local government considerations should include but are not limited to, potential bushfire risk, environmental and economic factors, water availability and recharge, visual landscape impacts, transport impacts of tree

farming (where harvesting is proposed), planting thresholds, appropriate buffers, and location relative to conservation estates and sensitive land uses.”

The entire site is located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner.

Attachment 11.1.7 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

A) Overview

The Development Application is in part inconsistent with LPP23 given the site is within 3km of the Nannup townsite. While noting this, it is recommended that Council approve the Development Application subject to conditions. This follows assessment against LPS4, State Planning Policy SPP2.5, the Local Planning Strategy, Local Planning Policies LPP20, LPP21 and LPP23, considering the views of the submitters, peer review of the Fire Management Plan (Attachment 11.1.8) and information provided by the applicant. It is noted, for instance, that:

- no clearing of native vegetation is proposed;
- buffers will be placed between the plantation area and identified waterways and dams;
- the planted area avoids heritage or cultural sites including Aboriginal Heritage Places and the arboretum. There is scope to ensure the arboretum is effectively conserved and managed to become an increasingly important local resource and attraction;
- there are suitable buffers to surrounding buildings;
- timber resources are important to the district and region;
- the land is not zoned or identified as priority agriculture;
- there are no objections from other Shire officers/units;
- the peer review accepted the Fire Management Plan subject to minor modifications;
- there is the potential for increased jobs compared to the current situation;
- the property was previously a tree plantation;
- the property is not located in Special Control Area 7 – Landscape Values Area in LPS4;
- there appears acceptance of a tree farm in terms of landscape change on a gateway into Nannup; and
- the proposed management of the property by Forest Products Commission (FPC) will arguably result in more effective management compared to the current situation.

While not a part of this Development Application, there are opportunities to separately review the suitability of recreation-private (bike trails) on the site via a future Development Application. If relevant issues are suitably addressed and development approval was issued, this would further increase job creation compared to the current situation.

It is suggested that if the plantation is suitably managed and planning conditions are met, that environmental considerations, bushfire management and response, and impact on the Shire road system can be appropriately addressed.

B) On-going bushfire management and response

It is suggested that fire risks are the key issue with the Development Application noting the property is near Nannup and is located on the eastern side of the townsite. In recent years there has been an increase in the frequency and severity of bushfires largely due to a drying climate. These bushfires have resulted in heavy losses to the total plantation estate in Western Australia. Accordingly, there is a need to ensure the proposed tree farm is appropriately managed in relation to bushfire.

Objections have been raised by some submitters while the peer review accepted the Fire Management Plan subject to minor modifications.

The Shire administration does not have any technical advice on the bushfire risks comparing the current situation compared to a tree farm managed by FPC.

Noting the location of the property is within 3km of the Nannup townsite, section 6 of LPP23 in part states:

Seeks to reduce fire risks in and around the Nannup townsite. As a guideline, the local government discourages new plantations within the area shown in Attachment 1 unless the applicant provides increased fire mitigation measures to the satisfaction of the local government.

The Council needs to be satisfied that suitable increased fire mitigation measures are provided for this proposed tree farm. This could include the provision of a dedicated firefighting water tank given there is no guarantee that the dams will have an adequate supply of water all year-round. In assessing this, it is suggested consideration is given to the suitability of FPC resources (personnel and equipment such as a heavy-duty fire-fighting tanker) based in Nannup to manage fire risks for their plantations in the Shire of Nannup. Any development condition needs to meet certain legal tests including whether it fairly and reasonably relates to the proposed development.

As per LPP21, the applicant will need to address on-going bushfire management and response. This includes maintaining firebreaks in accordance with the requirements of the Bushfire Risk Compliance Notice issued by the Shire of Nannup under the *Bushfires Act 1954*, maintaining permanent onsite water resources, maintaining existing access roads and undertaking measures to protect public utilities via appropriately maintained easements.

The applicant has provided a Fire Management Plan which is overall consistent with LPP21 Section 10 subject to modifications.

C) Variation to LPP23

As outlined above, the Development Application is in part inconsistent with LPP23 given the site is within 3km of the Nannup townsite. LPS4 and LPP23 do however enable a tree farm to be considered on this site and the Development Application is required to be considered on its merits including against the planning framework in Attachment 11.1.5, Attachment 11.1.6 and Attachment 11.1.7. The Policy Implications summarise the status of Local Planning Policies. On balance, it is suggested the tree farm has planning merit subject to effective on-going management.

D) Length of development approval

The applicant estimates the project life will be approximately 30 years. It is recommended that the development approval be issued for a single rotation rather than an 'opened ended' approval period. Should FPC or any other applicant wish to replant the plantation area following final clear fell, they will be required to submit a new development application prior to beginning any works.

E) Developer contributions

Contributions are typically sought by Council for development applications for timber plantations. As per LPP20 Section 7, the applicant will need to ensure that the Shire managed roads in and around the plantation area are in a condition post-development that is at least the same condition as pre-development. To achieve this, development conditions will include a system of notification, inspection and post-development repair of the roads to the Shire's satisfaction.

F) Aerial spraying

There is the potential for aerial spraying due to the topography. It is the Shire's preference that ground based spraying is adopted where possible. Noting LPP23 does not prefer aerial spraying within 3km of the Nannup townsite, a recommended condition is the preparation of an Aerial Spray Application Management Plan which addresses the Code of Practice for Timber Plantations in Western Australia.

G) Arboretum

The applicant seeks to conserve the arboretum. There is scope to ensure the arboretum is effectively conserved and managed with appropriate public access. A recommended condition sets out for the applicant to prepare and implement a management plan to the satisfaction of the Shire.

H) Visual impact

This is considered suitably met noting the property is located outside of Special Control Area 7 – Landscape Values Area in LPS4 and the property previously contained a tree farm.

Additionally, based on the submissions, there appears acceptance of a tree farm in terms of landscape change on a gateway into Nannup.

I) Easements and public access

There are a number of easements on the application site that in-turn provide access to adjoining and nearby properties. There is scope for FPC to review the easements which may include addressing duplication. This is subject to no other landowners losing legal and practical access.

There is scope for FPC to review opportunities and suitable management measures (including easements) for the public to gain access to the arboretum and Zircon Falls.

J) Fencing

While this is a matter for FPC and adjoining owners, it is pleasing to read that FPC will financially contribute 50% for reasonable fencing requirements.

K) 50 metre firebreak on southern boundary and BAL assessment on Lot 11

The response from FPC in Attachment 11.1.4 is supported. To address LPS4 setback requirements, there is scope for a future dwelling on Lot 11 to be located 20m from the property boundary. As part of a future dwelling, the owner of Lot 11 will need to arrange a BAL assessment.

L) Based on a merit assessment, it is suggested the Development Application be conditionally approved.

While the Development Application is in part inconsistent with LPP23 given the site is within 3km of the Nannup townsite, it is recommended that Council approve the Development Application subject to conditions. This follows assessment against LPS4, State Planning Policy SPP2.5, the Local Planning Strategy, Local Planning Policies LPP20, LPP21 and LPP23, considering the views of the submitters, peer review of the Fire Management Plan) and information provided by the applicant.

While noting the above, the Council is able to refuse the Development Application if it believes it has planning grounds to do so. As Councillors are aware, the applicant has the ability to lodge a Right of Review (previously called an “appeal”) to the State Administrative Tribunal should the Council refuse the Development Application.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015 and LPS4.

POLICY IMPLICATIONS:

Local Planning Policies LPP20, LPP21 and LPP23 are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regards to the policies in determining the Development Application.

FINANCIAL IMPLICATIONS:

Nil at this stage. A Right of Review would have cost implications for the Shire.

STRATEGIC IMPLICATIONS:

The proposed tree farm is consistent with aims of the Shire of Nannup Local Planning Strategy.

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION:

That Council approve the Development Application for a 271 hectare tree farm (pinus radiata plantation) at Lot 1 on Diagram 23683, Lot 4 on Diagram 22291 and Lots 31, 32, 33, 43, 44 and 45 on Deposited Plan 228954, Nannup, subject to the following conditions:

1. The development hereby approved must be carried out generally in accordance with the plans and specifications submitted with the application (noting required modifications to the Fire Management Plan) and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire.
2. This development approval shall lapse and be of no further effect if the plantation development hereby permitted has not been substantially commenced within 24 months of the date hereof. Where the Development Approval has lapsed, no further development is to be carried out.
3. This development approval is for a single rotation only. The applicant will be required to submit a new Development Application prior to beginning any replanting of the plantation area.
4. A separate 'Harvesting Plan' is to be prepared in accordance with the latest 'Code of Practice for Timber Plantations' (or equivalent that is applicable at that time) and submitted to and approved by the Shire prior to the anticipated commencement of

harvesting so that the proposed access haulage routes may be inspected by both parties.

5. Fire management measures outlined in the application shall be implemented in accordance with the submitted plan subject to modifications required by the Shire (including a suitably sized dedicated water tank) and accompanying details are required to meet the performance standards in the 'Guidelines for Plantation Fire Protection' document published by the Department of Fire and Emergency Services. Required infrastructure and mitigation measures are required to be established at the same time as planting.
6. The installation and maintenance of firebreaks and low fuel zones are to be carried out around all boundaries and buildings on the subject properties, in accordance with the requirements of the Bushfire Risk Compliance Notice issued by the Shire of Nannup under the *Bushfires Act 1954*.
7. A minimum of 12 months prior to any anticipated commercial harvesting occurring, the Plantation Operator/Manager shall notify the Shire so that the proposed access/haulage routes may be inspected by both parties.
8. An Aerial Spray Application Management Plan is prepared to the satisfaction of the Shire, prior to planting, which addresses the Code of Practice for Timber Plantations in Western Australia and is then suitably implemented.
9. An Arboretum Management Plan is prepared to the satisfaction of the Shire, prior to planting, which addresses relevant matters including risk management and appropriate public access.

Advice Notes:

- A. With reference to Condition 4, the Shire will require the Plantation Operator/Manager to reimburse the cost of any road repairs that become necessary as a result of wear and other damage to the local road network caused by heavy haulage vehicles associated with the transport of harvested plantation trees. The Shire will undertake an audit of the local road system proposed to be used for log transport prior to, and following, plantation harvesting so as to ascertain any remedial works required (and funds recoupable).
- B. Cultivation of land, spraying of pesticides or herbicides, or the application of nitrogenous fertilisers is not recommended within 30 metres of Dry Brook or any stream. This provision does not preclude the carrying out of weed control in accordance with Department of Primary Industries and Regional Development recommendations or standard practices.
- C. With reference to Condition 2, complete preparation of the site and majority of total approved plant out would satisfy the requirements of 'substantial commencement'.

- D. The attention of the Plantation Operator/Manager is drawn to the need to comply with the requirements of any Bushfire Risk Compliance Notice issued by the Shire of Nannup under the *Bush Fires Act 1954*. Furthermore, the Plantation Operator/Manager is required to advise the Shire's Chief Bush Fire Control Officer of any commercial harvesting activities that may be proposed during restricted or prohibited burning seasons.
- E. Clearing of native vegetation in Western Australia is prohibited unless the clearing is authorised by a clearing permit issued by the Department of Water and Environmental Regulation or is of a kind that is exempt in accordance with Schedule 6 of the *Environmental Protection Act 1986* or the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.
- F. The applicant's commitment to financially contribute 50% for reasonable fencing requirements is supported.
- G. The applicant is encouraged to review the easements which may include addressing duplication. This is subject to no adjoining or nearby landowners losing legal and practical access.
- H. The applicant is encouraged to review opportunities and suitable management measures (including easements) for the public to gain access to the arboretum and Zircon Falls.
- I. The applicant is encouraged to review the appropriateness of the Dry Creek crossing.
- J. This approval does not include recreation-private including bike trails. Any proposal for bike trails is subject to a separate Development Application.
- K. Any works should ensure Aboriginal heritage values are respected and are appropriately addressed. The applicant has an obligation under the *Aboriginal Heritage Act 1972* and the *Aboriginal Cultural Heritage Act 2021*, to protect places and objects in Western Australia that are important to Aboriginal people because of the connections to their culture.
- L. If the applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

PROCEDURAL MOTION:**COUNCIL RESOLUTION 23022**

MOVED CR DEAN	SECONDED CR FRASER
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That the motion lie on the table and be presented again no later than the 25 May 2023 Ordinary Council meeting. While “on the table” the Chief Executive Officer is to prepare a report from a bush fire consultant to re-examine the proponents Fire Management Plan (Part 5) of Attachment 11.1.2 with particular reference, but not exclusive reference, to Lot 11 Brockman Highway and to the Urban Development Zone contained in LPS4.

CARRIED (5/2)

Cr Gibb and Cr Longmore voted against the procedural motion.

AGENDA NUMBER & SUBJECT:	11.2 – Delegated Planning Decisions for February 2023
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 March 2023
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 on a monthly basis 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 2023 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 February 2023, one (1) development application 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 2023 compared to February 2022:

	February 2022	February 2023
Delegated Decisions	2 (\$44,000)	1 (\$25,000)
Council Decisions	1 (\$1,100,000)	1 (\$130,000)
Total	3 (\$1,144,000)	2 (\$155,000)

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 REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for February 2023 as per Attachment 11.2.1.

COUNCIL RESOLUTION 23023**MOVED CR BUCKLAND****SECONDED CR HANSEN**

That Council receives the report on Delegated Development Approvals for February 2023 as per Attachment 11.2.1.

CARRIED (7/0)

AGENDA NUMBER & SUBJECT:	11.3 – 2022/23 Outdoor Active Recreation Participation Program
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 60 2023
AUTHOR:	Nicole Botica
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nicole Botica declares an Impartiality Interest as a member of the Nannup Mountain Bike Club.
DATE OF REPORT:	9 March 2023
ATTACHMENTS:	Nil

BACKGROUND:

In 2019 the Shire of Nannup commenced planning and development of the Nannup Tank 7 Mountain Bike Park. The park was realised in 2022 when construction was complete. The park offers a stacked loop mountain bike trail network with more than 35km of trail constructed. The officially opening to the community was in May 2022.

During the construction phase the Nannup Mountain Bike Club remained active but with a low participation rate. Since opening the park, more than 40 individuals from Nannup and surrounding towns have joined the club.

COMMENT:

In February 2022 the Department of Local Government Sports Cultural Industries awarded the Shire of Nannup \$5000 in grant funds through the Community Activation Encouraging Recreation program. This was used to ignite a community participation program through the Mountain Bike Club, to increase mountain biking skills for the local riding community.

This program was successful and participation reached 52 individuals of which included 19 adult females and 21 youths of which 7 were female.

The Outdoor Active Recreation Participation Program is an extension of this, and will further improve the skill levels of the local mountain bike community. It also supports capacity building programs, bike mechanic workshops and bike first aid training.

The program is designed to establish a Nannup race ready team to participate in the Western Australian Mountain Bike racing calendar, by providing coaching sessions for 16 unique participants over four terms, with four sessions set per term. The program is expected to commence in Term 2, and will be supported with an all community inspirational speech, talking to the message of mental health and mountain biking to build resilience.

STATUTORY ENVIRONMENT:

6.15. Local government's ability to receive revenue and income

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Total Grant funding is \$20,000

Budget breakdown includes:

Item		Source	Estimated Income	
Inspirational speech with Break the Boundary, includes travel expenses and accommodation and materials	\$2,000	Participant contribution @ \$10 each	\$800	Model on 80 people
Coaching; include transport	\$28,000	Participant contribution @ 40% each	\$15,000	Model on 4 sessions of 16 participants over 4 terms
Bike Mechanic workshop x 3	\$2,000	Participant contribution @ \$10 each	\$300	Model on 10 participants at each workshop
Bike First Aid	\$3,000	Participant contribution @ \$10 each	\$300	Model on 30 participant at workshop
Coaching accreditation	\$850	Nannup Club MTB	\$200	Through Auscycle and available

				for NMBC members
Marketing and promotion	\$1,250	Shire of Nannup	\$500	Hyperlocal into the region
Total	\$37,100		\$17,100	
Grant amount	\$20,000			

STRATEGIC IMPLICATIONS:

Our Shire

5.2; Working together

We will support our community groups and encourage them to work together.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That Council accepts the \$20,000 offered through the Department of Local Government, Sport and Cultural Industries grant program, Outdoor Active Recreation Participation Program.

COUNCIL RESOLUTION 23024

MOVED CR HANSEN

SECONDED CR GILBERT

That Council accepts the \$20,000 offered through the Department of Local Government, Sport and Cultural Industries grant program, Outdoor Active Recreation Participation Program.

CARRIED (7/0)

AGENDA NUMBER & SUBJECT:	11.4 – Payment of Accounts – January 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	9 March 2023
ATTACHMENT:	11.4.1 – Payment of Accounts – January 2023

BACKGROUND:

To advise Council of payments made from the municipal fund or trust fund for the period 1 January 2023 to 31 January 2023.

COMMENT:

If Council would like to ask questions about the payment of accounts, prior notice of these questions will enable officers to provide detailed explanation in response at the Council meeting.

Municipal Account

Accounts paid by EFT	15441 to 15522	\$131,995.94
Accounts paid by cheque	20593 to 20593	\$13,258.22
Accounts paid by Direct Debit	12035.1 to 12185.2	\$40,997.70
<i>Sub Total Municipal Account</i>		<u>\$186,251.86</u>

Trust Account

Accounts paid by EFT	15381	\$1,883.65
<i>Sub Total Trust Account</i>		<u>\$1,883.65</u>

Total Payments		<u>\$188,135.51</u>
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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 meeting of the Council to which the list is to be presented.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

As indicated in Payment of Accounts.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority

OFFICER RECOMMENDATION:

That Council endorse the payment of accounts totally \$188,135.51 for the period 1 January 2023 to 31 January 2023 as per Attachment 11.4.1.

COUNCIL RESOLUTION 23025

<i>MOVED CR HANSEN</i>	<i>SECONDED CR BUCKLAND</i>
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That Council endorse the payment of accounts totally \$188,135.51 for the period 1 January 2023 to 31 January 2023 as per Attachment 11.4.1.

CARRIED (7/0)

AGENDA NUMBER & SUBJECT:	11.5 – Financial Activity Statement – January 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 March 2023
ATTACHMENTS:	11.5.1 – Financial Activity Statement – January 2023

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 31 January 2023 present the financial performance of the Shire for the 2022/23 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 11.5.1.

The document attached includes 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 Statement for the period ending 31 January 2023 as per Attachment 11.5.1.

COUNCIL RESOLUTION 23026

MOVED CR GILBERT	SECONDED CR LONGMORE
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That Council, in accordance with Regulation 34 of the Local Government (Financial Management) Regulations 1996, receives the Financial Activity Statement for the period ending 31 January 2023 as per Attachment 11.5.1.

CARRIED (7/0)

AGENDA NUMBER & SUBJECT:	11.6 - October 2023 Local Government Elections – Method of Election
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 2
AUTHOR:	Sarah Dean – Governance, Risk & Assurance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	12 March 2023
ATTACHMENT:	11.6.1 – Western Australian Electoral Commission cost estimate

PURPOSE OF REPORT:

For Council to consider conducting the shire 2023 ordinary Local Government election by the postal voting method and appointing the Western Australian Electoral Commission (WAEC) for this purpose.

BACKGROUND:

The Minister for Local Government is progressing a range of Local Government Act legislative reform initiatives related to the conduct of elections, notably the introduction of optional preferential voting to replace the first past the post system. Legislation will be in place for the conduct of the 2023 elections with optional preferential voting likely to significantly increase the complexity of the election count.

This report is provided to assist Council in its consideration of the method of conducting the October 2023 election and includes the proposal that the Local Government adopt the postal voting method.

In accordance with section 4.7 of the *Local Government Act 1995* (Act), the next ordinary Local Government election is scheduled for Saturday, 21 October 2023.

The process to appoint the WAEC to conduct the elections is as follows:

- a. Agreement sought from the WAEC to conduct the Shire's elections (complete); and
- b. Formal appointment of the WAEC by the Council.

The shire contacted the WAEC to seek agreement to conduct the 2023 Ordinary elections. One of the benefits of the WAEC conducting the elections is that the process and the Returning Officer are largely independent of the Shire of Nannup. This separation may improve the community's perception and confidence in the election process. In addition, postal voting is more convenient for Electors and typically achieves a higher rate of voter

participation. If the Shire of Nannup was to conduct the Local Government Elections themselves without engaging the services of the WAEC this is likely to have a considerable impact on both the Shire's financial and staff resources.

Postal elections encourage greater voter participation and are generally considered to be more representative of the community. Conducting voting in-person elections presents a number of challenges, particularly on account of the role of the Chief Executive Officer who is also the Returning Officer. The requirements and expectations placed on the Chief Executive Officer when taking on this dual role can be both contentious and time consuming. In addition to dealing with complaints received during the election period, the dual role can lead to an unwelcome perception of conflict of interest and bias from the community. It is the prerogative of the Council to decide whether to conduct elections by postal vote and to make a declaration that the elections are to be conducted by the WAEC.

2. The Western Australian Electoral Commissioner (WAEC) has responded to a written request for a cost estimate to conduct the October 2023 election as a postal election. The WAEC estimates the cost of \$17,000, including GST, (\$15,454 excluding GST) based on the following assumptions:
 - a. 1,250 electors
 - b. A response rate of approximately 60%
 - c. 3 vacancies
 - d. The count is to be conducted at the Shire of Nannup premises
 - e. Appointment by the WAEC of a Returning Officer
 - f. Regular Australia Post delivery service to apply for the lodgement of the election packages.
3. The cost estimate does not include expenses for election functions that remain the responsibility of the Local Government, including :
 - a. Appointment of a Deputy Returning Officer and an appropriate number of additional Local Government election officers to assist with the election process;
 - b. Any additional postage rate increases passed on by Australia Post.
4. The WAEC has also provided a written agreement for them to conduct the election (see attachment).

COMMENT:

As per LGA s.4.61(1), Local Government elections can be either a Postal Election or an In-Person election:

Postal Election which is an election in 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 in 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.

At the 2021 ordinary Local Government elections, the WAEC conducted 98 elections (70% of the total elections held) comprising:

- 92 Postal Elections (66%) and
- 6 In-Person Elections (4%).
- The remaining 41 elections were held as in-person elections, managed by the Local Government with the CEO acting as Returning Officer

With the proposed legislative changes to Local Government elections, including the increased complexity of counting with the introduction of optional preferential voting, the Local Government should consider the option of the WAEC conducting a Postal Voting election.

If Council does not resolve to adopt the Officer Recommendation to request the WAEC to conduct a Postal Voting election, the shire will be required to conduct the election as *either* an In-Person voting election managed by the Local Government, with the CEO as the Returning Officer (unless otherwise determined), or alternatively as an In-Person voting election managed by the WAEC.

An In-Person election managed by the Local Government would require a considerable resource allocation and has the potential to adversely affect service delivery.

Additionally, Local Governments may seek access to the WAEC's proprietary CountWA vote counting software (at a cost) however the level of support and training in the use of this software is as yet unknown.

STATUTORY ENVIRONMENT:

Section 4.7 of the Local Government Act 1995

This section of the Act states - That ordinary elections to elect councillors will be held on the third Saturday in October.

Section 4.20(1) of the Local Government Act 1995

This section of the Act states – '*Where a Local Government is conducting an In-Person election, the CEO is the Returning Officer*'.

Section 4.20(2) of the Local Government Act 1995

This section of the Act – 'CEO is to be the Returning Officer unless other arrangements made' - enables a Local Government, having first obtained the written agreement of the Electoral Commissioner, to appoint a person (absolute majority required) other than the CEO to be the Returning Officer for the Local Government election.

Section 4.20(4) of the Local Government Act 1995

This section of the Act states – A Local Government, having first obtained the written agreement of the Electoral Commissioner, declare (absolute majority required) the Electoral Commissioner to be responsible for the conduct of an election and to appoint a Returning Officer.

Section 4.61(2) of the Local Government Act 1995

This section of the Act - 'Choice of methods of conducting election' – noting that an election can be conducted as a Postal Election or an In-Person election, this section allows a Local Government to decide (absolute majority required) to conduct the election as a postal election. A postal election must be conducted by the Electoral Commissioner.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The cost of \$15,454 excluding GST to conduct the election will be accommodated in the 2023/24 budget.

This figure will not identify the opportunity cost to the organisation in terms of the officer time and resources consumed during normal operating hours to conduct the election.

STRATEGIC IMPLICATIONS:

Extract taken from 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:

1. Declare in accordance with section 4.20(4) for the *Local Government Act 1995*, the WA Electoral Commissioner is to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.
2. Decide in accordance with section 4.61(2) of the *Local Government Act 1995*, that the method of conducting the election will be a Postal Election.

COUNCIL RESOLUTION 23027

MOVED CR GIBB	SECONDED CR HANSEN
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That Council:

1. ***Declare in accordance with section 4.20(4) for the Local Government Act 1995, the WA Electoral Commissioner is to be responsible for the conduct of the 2023 ordinary elections together with any other elections or polls which may be required.***
2. ***Decide in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting the election will be a Postal Election.***

CARRIED (7/0)

AGENDA NUMBER & SUBJECT:	11.7 – Delegations of Authority
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM22 & ADM22A
AUTHOR:	Sarah Dean – Governance, Risk & Assurance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	9 November 2022
ATTACHMENTS:	11.7.1 – Proposed Shire of Nannup Delegations of Authority 11.7.2 – Existing Shire of Nannup 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 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.

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. The current delegations recommended for revocation by council are:

For full details of the current delegations proposed for revocation see attachment 11.7.2.

For full details of the proposed delegations and sub delegations please see attachment 11.7.1.

The delegations not presented to Council for revocation will continue as previously.

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

Bush Fires Act 1954

Section 17(10) – Local government may delegate to its Shire President and Chief Bush Fire Control Officer, jointly its powers and duties under subsections (7) and (8) (variation to prohibited burning times).

Section 48 – Local government may delegate to the CEO any of its functions.

Section 48(3) CEO cannot sub-delegate.

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 REQUIREMENTS:

Absolute majority.

OFFICER RECOMMENDATION:

That Council:

1. Revoke the delegations and authorisations under the *Local Government Act 1995* and *Bush Fires Act 1954* as listed below (and as they appear in Attachment 11.7.2):

- ADM 1 - Copies of Information
- LGA 1 - Appointment of Authorised Person
- LGA 2 – Tenders
- LGA 3 - Impounding Goods and the Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods
- LGA 6 - Certain Things to be Done in Respect of Land
- LGA 7 - Power of Entry
- LGA 11 - Rate Book
- LGA 13 – Investments
- LGA 15 – Temporary Closure of Thoroughfares and Fixing or Altering Levels or Alignments or Drainage Onto Adjoining Land
- LGA 16 – Public Thoroughfares – Public Use
- LGA 17 – Contract Variations
- LGA 24 – Building Permit Fees: Refunds and Exemptions
- LGA 37 – Write Off Debts
- BFA 1 – Prohibited Burning Period
- BFA 2 – Burning – Prohibited and Restricted Times
- BFA 3 – Prosecution of Offences
- BFA 4 – Alternative Fire Breaks
- CA 1 - The Powers and Duties of the Cat Act 2011
- DA 1 - Powers and Duties of the Dog Act 1976; including the authority to further delegate
- FA 1 - Food Act 2008
- HLT 2 - Authorised Officers
- FMR 1 – Payment of Creditors

And;

2. Endorse the proposed Shire of Nannup 2023 Delegations Register as attached at 11.7.1.

COUNCIL RESOLUTION 23028**MOVED CR BUCKLAND****SECONDED CR HANSEN*****That Council:******1. Revoke the delegations and authorisations under the Local Government Act 1995 and Bush Fires Act 1954 as listed below (and as they appear in Attachment 11.7.2):***

- ***ADM 1 - Copies of Information***
- ***LGA 1 - Appointment of Authorised Person***
- ***LGA 2 – Tenders***
- ***LGA 3 - Impounding Goods and the Sale of Impounded/Seized/Confiscated Vehicles, Animals or Goods***
- ***LGA 6 - Certain Things to be Done in Respect of Land***
- ***LGA 7 - Power of Entry***
- ***LGA 11 - Rate Book***
- ***LGA 13 – Investments***
- ***LGA 15 – Temporary Closure of Thoroughfares and Fixing or Altering Levels or Alignments or Drainage Onto Adjoining Land***
- ***LGA 16 – Public Thoroughfares – Public Use***
- ***LGA 17 – Contract Variations***
- ***LGA 24 – Building Permit Fees: Refunds and Exemptions***
- ***LGA 37 – Write Off Debts***
- ***BFA 1 – Prohibited Burning Period***
- ***BFA 2 – Burning – Prohibited and Restricted Times***
- ***BFA 3 – Prosecution of Offences***
- ***BFA 4 – Alternative Fire Breaks***
- ***CA 1 - The Powers and Duties of the Cat Act 2011***
- ***DA 1 - Powers and Duties of the Dog Act 1976; including the authority to further delegate***
- ***FA 1 - Food Act 2008***
- ***HLT 2 - Authorised Officers***
- ***FMR 1 – Payment of Creditors***

And;***2. Endorse the proposed Shire of Nannup 2023 Delegations Register as attached at 11.7.1.******CARRIED (7/0)***

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

Nil

13. MEETING MAY BE CLOSED:

Nil

14. CLOSURE OF MEETING:

Shire President Cr Dean declared the meeting closed at 5.31pm.