



# **Agenda**

**Ordinary Council Meeting to be held Thursday 28  
September 2023**

**4.30 pm in the Darradup Bush Fire Brigade Shed  
Johnston Road, Jalbarragup**

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## **A G E N D A**

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

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Shire President to declare the meeting open and welcome the public gallery.

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**

#### **2.2 APOLOGIES**

### **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 Chris Buckland is on an approved leave of absence.

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

Nil.

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

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#### **5.1 Shire of Nannup Ordinary Council Meeting – 24 August 2023**

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

That the Minutes from the Ordinary Meeting of Council held 24 August 2023 be confirmed as a true and correct record (attachment 5.1).

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5.2 Western Australian Local Government Association Annual General Meeting – 18 September 2023

**EXECUTIVE RECOMMENDATION:**

That the Minutes from the Western Australian Local Government Association Annual General Meeting held 18 September 2023 be received (attachment 5.2).

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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:**

Nil.

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

Nil.

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

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for August 2023
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Erin Gower – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 September 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.1.1 – Register of Delegated Development Approvals

### BACKGROUND:

To ensure the efficient and timely processing of planning related applications, the 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 the Council monthly to ensure that the 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 August 2023 is presented in Attachment 11.1.1.

### COMMENT:

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

During August 2023, six (6) 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 August 2023 compared to August 2022:

	August 2022	August 2023
<b>Delegated Decisions</b>	5 (\$112,300)	6 (\$253,250)
<b>Council Decisions</b>	0	0
<b>Total</b>	<b>5 (\$112,300)</b>	<b>6 (\$253,250)</b>

100% of all approvals issued in the month of August 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 the 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 August 2023 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2 - Rates Rebate Write Off
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	RAT 5
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 September 2023
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	Nil

### **BACKGROUND:**

Ensuring the accuracy and relevance of financial information is pivotal to upholding the principle of reliability. In line with this principle, a comprehensive review of the Shire's pensioner rebate ledgers was conducted during the financial year 2022/23. This review included the assessment and processing of rebate claims wherever feasible. Nevertheless, as of 30 June 2023, an outstanding balance of \$3,201.93 remains.

### **COMMENT:**

The comprehensive review has revealed the following key findings:

- A Pensioner rebate imbalance of \$14,486.43, spanning over the past 10 years.
- Manual claims amounting to \$11,309.18 were duly processed and granted.
- A remaining variance of \$3,177.25 has persisted as a known imbalance dating back to the years 2010-2021.
- During the chart of account restructure, a variance of \$24.68 occurred.

Considering these findings, a decision must be made regarding the appropriate course of action. This includes deliberating whether to continue investigations and the potential recovery of funds from RevenueWA or individuals to whom the claims were attributed. It is worth noting that ownership may have changed over time, and the nature of these transactions may render recovery efforts challenging.

Following a comprehensive review of the Rates end of Year report and a year-long effort to address most known variances, it is the recommendation of the officers to request Council write off the remaining imbalance of \$3,201.93.

It is imperative to recognise that RevenueWA imposes stringent criteria for claims, necessitating a greater level of documentation for historic claims. Attempts to claim on behalf of pensioners who may have passed away or to secure historical documents to support claims are likely to result in rejections. Furthermore, the time and costs associated with pursuing these claims may not justify the expected outcomes.



**STATUTORY ENVIRONMENT:**

Section 6.12(1)(c) of the *Local Government Act 1995* gives Council the power to write off an amount of money owing to the Shire.

**POLICY IMPLICATIONS:**

This aligns with the Delegations Register:

**1.2.20** Grant Discounts, Donations, Waive or Write Off Debts

- CEO authorised, subject to conditions
- Compliance with legislation and procedures

**FINANCIAL IMPLICATIONS:**

The resolution of the \$3,201.93 variance will result in a reduction in the outstanding rates pensioner account. However, it should be noted that, given the uncollectible nature of this amount, this action will contribute to a more realistic representation of the financial statements.

**STRATEGIC IMPLICATIONS:**

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

**VOTING REQUIREMENTS:**

Absolute Majority

**OFFICER RECOMMENDATION:**

That Council approve the recommendation to write off the difference in the rate rebates claimed for a total of \$3,201.93.

AGENDA NUMBER & SUBJECT:	11.3 – Payment of Accounts – August 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	13 September 2023
ATTACHMENT:	11.3.1 – Payment of Accounts – August 2023

**BACKGROUND:**

To advise Council of payments made for the period 1 August to 31 August 2023.

**COMMENT:**

Payments of \$268,203.77 as detailed in the payment of accounts listing for the period 1 August to 31 August 2023 as per Attachment 11.2.1, have been approved under delegated authority.

**Municipal Account**

Accounts paid by EFT	16154 to 16230	\$170,123.35
Accounts paid by cheque	20604-20606	\$1,075.00
Accounts paid by Direct Debit	12579.1 to 12674.20	\$97,005.42
<i>Sub Total Municipal Account</i>		<u>\$268,203.77</u>

**Trust Account**

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
<b>Total Payments</b>		<u><u>\$268,203.77</u></u>

**STATUTORY ENVIRONMENT:**

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

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

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority

**OFFICER RECOMMENDATION:**

That Council notes the payment of accounts totalling \$268,203.77 for the period 1 August to 31 August 2023 as per Attachment 11.2.1.

AGENDA NUMBER & SUBJECT:	11.4 – Financial Activity Statement – July & August 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	19 September 2023
ATTACHMENTS:	11.4.1 – Financial Activity Statement – July 2023 11.4.2 – Financial Activity Statement – August 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.

As the process of finalising the 2022/23 financial year is still underway at the time of writing this report, the figures shown in the attached statements are subject to change until the 2022-23 Annual Financial Statements are completed and audited.

### **COMMENT:**

The Financial Statements for the period ending 31 July 2023 and 31 August 2023 present the financial performance of the Shire for the 2023/24 financial year and compare year-to-date expenditure and revenue against the corresponding year-to-date budget.

Attached for consideration is the completed Monthly Financial Report as per Attachment 11.4.1 and 11.4.2.

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

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995, Section 6.4.*

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

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the period ending 31 July 2023 as per Attachment 11.4.1, and 31 August 2023 as per Attachment 11.4.2.

AGENDA NUMBER & SUBJECT:	11.5 – Community membership of the Sustainability Advisory Committee
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 18
AUTHOR:	Louise Stokes – Casual Project Support Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
PREVIOUS MEETING REFERENCES:	22 June 2023 – Resolution 23094 27 July 2023 – Resolution 23107
DATE OF REPORT	7 September 2023
ATTACHMENTS:	11.5.1 – Sustainability Advisory Committee Terms of Reference

#### **BACKGROUND:**

At the 22 June 2023 Ordinary Meeting of Council, an endorsement was received to establish the Shire of Nannup Sustainability Advisory Committee.

At the 27 July 2023 Ordinary Meeting of Council a Terms of Reference for the Sustainability Advisory Committee was endorsed.

Advertising has been undertaken, seeking six (6) community representatives with expertise and/or experience in the field of sustainable development to submit their interest in participating on the Shire of Nannup Sustainability Advisory Committee to the Council.

#### **COMMENT:**

Four community representatives who all reside in Nannup submitted their Expression of Interest to be involved in the Sustainability Advisory Committee, these are:

##### Crystelle Evangelista – Community Member

Holds the following qualifications - Bachelor of Science (Environmental Biology), Bachelor of Social Science (Geography), Graduate Certificate of Applied Anthropology (Native Title and Cultural Heritage), Diploma of Management, Graduate Certificate of Creative Industries, Graduate Diploma of Oenology (Wine Science).

Throughout her working career, Crystelle has held various positions in local government and state government (Watercorp, MainRoads WA) and private enterprise in Australia and overseas (Canada).

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Lisa Reilly – Community Member

Holds the following qualifications – Bachelor of Science (Environmental Science) and Bachelor of Contemporary Art (Visual Art).

Lisa currently holds a Principal Sustainability role with BHP and has previously held positions in sustainability and policy and corporate affairs in the mining industry.

Helen Ponton – Community Member

Holds the following qualifications – Bachelor of Applied Science, Diploma of Interior Design, Post Graduate in Policy Studies and Graduate Diploma in Urban Design.

Helen has held a variety of roles from Health, Transport, Education and Environment in various Public Authorities.

Clint Connor – Community Member

Clint holds qualifications in Conservation and Land Management, Horticulture, Civil Construction, Permaculture Design and Native Flora Taking.

Clint has experience in regenerative agriculture and organic gardening. He has previously held roles throughout the South West with Landcare and Catchment Council groups.

Steve Winfield – Employee Member

Steve is the Head Gardener at the Shire of Nannup and is keenly interested in the natural environment. From a practical perspective, Steve's input and local knowledge would be invaluable to the Advisory Committee, due to his vast experience and understanding of the Council's capacity and capability to undertake projects.

**STATUTORY ENVIRONMENT:**

Local Government Act 1995, clauses 5.8, 5.9(2)(d) through to 5.25.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil for the consideration of this item.

There is \$10,000 allocated in the 2023/24 Annual Budget as a fund to support initiatives.

**STRATEGIC IMPLICATIONS:**

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

4.3 Our Sustainable Future

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

Warren Blackwood Alliance Subregional Climate Change Action Plan.

Climate Change Action Plan Implementation Reference Group (CCAPIRG).

Shire of Nannup Climate Change Declaration.

**VOTING REQUIREMENTS:**

Absolute majority

**OFFICER RECOMMENDATION:**

That Council endorse the following people to the Shire of Nannup Sustainable Advisory Committee;

- a) Shire President Dean – Council Representation
- b) Cr Hansen – Council Representation
- c) Crystelle Evangelista – Community Member
- d) Lisa Reilly – Community Member
- e) Helen Ponton – Community Member
- f) Clint Connor – Community Member
- g) Steve Winfield – Employee Member



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

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Shire President Cr Dean has a notice of motion that will be inserted in the agenda document week beginning 25 September 2023.

**13. MEETING MAY BE CLOSED:**

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Nil.

**14. CLOSURE OF MEETING:**

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Attachments

<b>Item #</b>	<b>Attach</b>	<b>Title</b>
<b>5.1</b>		Shire of Nannup Ordinary Council Meeting Minutes – 24 August 2023
<b>5.2</b>		WALGA 2023 AGM Minutes
<b>11.1</b>	1	Register of Delegated Development Approvals
<b>11.3</b>	1	Payment of Accounts – August 2023
<b>11.4</b>	1	Financial Activity Statement – July 2023
	2	Financial Activity Statement – August 2023
<b>11.5</b>	1	Sustainability Advisory Committee Terms of Reference