



Shire of  
**Nannup**  
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# Agenda

**Council Meeting to be held Thursday 17 December 2020**

**Commencing at 5.30pm**

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# Agenda

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

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**  
(previously approved)

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. PUBLIC QUESTION TIME**

**5. APPLICATIONS FOR LEAVE OF ABSENCE**

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

**7. DECLARATIONS OF INTEREST**

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

**8.1 26 November 2020 Ordinary Council Meeting**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 26 November 2020 be confirmed as a true and correct record.

## **9. MINUTES OF COUNCIL COMMITTEES**

### **9.1 Local Drug Action Group Committee**

That the Minutes of the Local Drug Action Group Committee meeting held on 25 November 2020 be received.

### **9.2 Western Australian Local Government Association State Council**

That the Minutes of the WALGA State Council meeting held 2 December 2020 be received.

### **9.3 Bush Fire Advisory Committee Minutes**

That the Minutes of the Bush Fire Advisory Committee meeting held 2 November 2020 be received.

## **10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION**

## **11. REPORTS BY MEMBERS ATTENDING COMMITTEES**

## **12. REPORTS OF OFFICERS**

<b>Agenda No.</b>	<b>Description</b>	<b>Page No.</b>
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12.5	Request the Fire & Emergency Services Commissioner to extends the Shire of Nannup's Restricted Burning Times (RBT) and Minister to extend the Prohibited Burning Times (PBT)	14

## **13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

### **13.1 OFFICERS**

### **13.2 ELECTED MEMBERS**

## **14. MEETING CLOSED TO THE PUBLIC**

### **14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

- 15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 16. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**
- 17. CLOSURE OF MEETING**

AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for November 2020
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	1 December 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – Register of Delegated Development Approvals

**BACKGROUND:**

To ensure the efficient and timely processing of planning related applications, Council delegates authority to the Chief Executive Officer to conditionally approve Applications for Development Approval that meet the requirements of both Local Planning Scheme No.3 (LPS3) 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 November 2020 is presented in Attachment 12.1.1.

**COMMENT:**

As shown in the attachment, each application has been advertised in accordance with LPS3 and Council’s adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During November 2020, 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 November 2020 compared to November 2019:

	<b>November 2019</b>	<b>November 2020</b>
<b>Delegated Decisions</b>	3 (\$40,000)	5 (\$219,513)
<b>Council Decisions</b>	0	0
<b>Total</b>	<b>3 (\$40,000)</b>	<b>5 (\$219,513)</b>

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

**STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Local Government Act 1995 and LPS3.*

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 LPS3 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

**RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for November 2020 as per Attachment 12.1.1.

AGENDA NUMBER:	12.2
SUBJECT:	Budget Monitoring – November 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Corporate Services Co-ordinator
REPORTING OFFICER:	Kim Dolzadeli – Manager Corporate & Community Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	8 December 2020
ATTACHMENT:	12.2.1 – Financial Statements for the period ending November 2020

**BACKGROUND:**

Local Government (Financial Management) Regulation 34(1) requires that Council report monthly on the financial activity from all the various operating and capital divisions. Council has adopted a variance threshold of 10% or \$30,000, whichever is the greater on which to report. The statutory statements are appended at Attachment 12.2.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance of the year to date to the month in question and not the likely outturn at the end of the year. The outturn at the end of the year is finalised once the year end audit is completed.

Monthly reporting draws on the flexibility allowed in the Financial Management Regulations to draw attention to likely under and overspends at the end of the year.

**COMMENT:**

Please refer to the attachment, Financial Statements for periods ending 30 November 2020.

**STATUTORY ENVIRONMENT:**

Local Government (Financial Management) Regulation 34(1)(a).

**POLICY IMPLICATIONS:**

Nil.



**FINANCIAL IMPLICATIONS:**

The attached financial statements detail financial outcomes for 2020/21

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**RECOMMENDATION:**

Monthly Financial Statements for the period ending 30 November 2020 be received.

AGENDA NUMBER:	12.3
SUBJECT:	Monthly Accounts for Payment - November 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Manager Corporate & Community Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	8 December 2020
ATTACHMENT:	12.3.1 – Accounts for Payment – November 2020

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 November to 30 November 2020 as detailed hereunder and noted on the attached schedule, are submitted to Council.

**COMMENT:**

If Councillors have questions about individual payments prior notice of these questions will enable officers to provide properly researched responses at the Council meeting.

There is currently one corporate credit cards in use. A breakdown of this expenditure in the monthly financial report is required to comply with financial regulations. This breakdown is included within the attachments.

**Municipal Account**

Accounts paid by EFT	13018- 13078	303,511.86
Accounts paid by cheque	20485-20486	219.44
Accounts paid by Direct Debit	DD10954.1-10974.14	62,940.72
<i>Sub Total Municipal Account</i>		<u>\$366,671.62</u>

**Trust Account**

Accounts paid by EFT	13047	687.25
<i>Sub Total Trust Account</i>		<u>687.25</u>
<b>Total Payments</b>		<u><u>\$367,358.87</u></u>

**STATUTORY ENVIRONMENT:**

LG (Financial Management) Regulation 13

**POLICY IMPLICATIONS:**

None.

**FINANCIAL IMPLICATIONS:**

As indicated in Schedule of Accounts for Payment.

**STRATEGIC IMPLICATIONS:**

None.

**VOTING REQUIREMENTS:**

Simple Majority.

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal and Trust Account fund totalling \$367,358.87 for 1 November to 30 November 2020 in the attached schedule(s) be endorsed.

AGENDA NUMBER:	12.4
SUBJECT:	Gazette restrictions on burning of garden refuse and lighting of open air camping or cooking fires during prohibited and restricted times
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Rosalyn Edwards – Ranger Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 December 2020
ATTACHMENT:	12.4.1 - Government Gazette LG402 Bush Fires Act 1954 Shire of Nannup Burning of Garden Refuse or Lighting of Open Air Camping or Cooking Fires During Prohibited or Restricted Burning Times

## BACKGROUND:

The Bush Fire Act 1954 makes allowances to burn for the purposes of camping and cooking and burning garden refuse during restricted and prohibited burning times. A local government can make further restrictions by publishing in the Gazette and a newspaper circulating in its district.

Allowances under the Act

*24F.(1) A person must not burn garden refuse at a place (other than a rubbish tip) during the limited burning times for that place unless it is burned —*

- (a) in an incinerator in accordance with subsection (2); or*
- (b) on the ground in accordance with subsection (3).*

*Penalty: \$3 000.*

*(3) Garden refuse burned on the ground is burned in accordance with this subsection if —*

- (a) there is no inflammable material (other than that being burned) within 5 m of the fire at any time while the fire is burning; and*
- (b) the fire is lit between 6 p.m. and 11 p.m. and is completely extinguished before midnight on the same day; and*
- (c) at least one person is present at the site of the fire at all times until it is completely extinguished; and*
- (d) when the fire is no longer required, the person ensures that the fire is completely extinguished by the application of water or earth.*

## **25. No fire to be lit in open air unless certain precautions taken**

*(1) Subject to subsection (1aa) and section 25A, during the restricted burning times or during the prohibited burning times a person shall not light or use a fire in the open air for a purpose not specifically mentioned or provided for in*

*this Act, save and except in accordance with and subject to the following provisions —*

- (a) a fire for the purpose of camping or cooking shall not be lit within 3 m of a log or stump and unless and until a space of ground around the site of the fire having a radius of at least 3 m from the site as the centre, is cleared of all bush and other inflammable material, and when for any day, or any period of a day, the fire danger forecast by the Bureau of Meteorology in Perth in respect of the locality wherein it is desired to light or use a fire for such purpose is “catastrophic”, “extreme”, “severe” or “very high”, such fire shall not be lit on that day or during that period unless and until the approval in writing of the local government for that locality has been obtained so to do;*

At the Ordinary Council meeting held 17 September 2020; resolution 20116 was passed as follows;

*“1. Under section 24G (2) of the Act, hereby prohibits the burning of garden refuse within the Shire boundaries during the Shire of Nannup’s Prohibited Burning Period and, during the Restricted Burning Periods, a permit is required from a Fire Control Officer.*

*2. Under section 25(1a) of the Act, hereby prohibits the lighting of open air cooking or camping fires within the Shire boundaries during the Prohibited Burning Period.*

*3. Under section 25(1a) of the Act, the use of wood and solid fuel BBQs are hereby permitted during the Restricted Burning Period in accordance with the conditions below: a) The fire must not be lit if the Fire Danger Rating is Very High or above, or if a Total Fire Ban or a Harvest and Vehicle Movement Ban is declared; b) The fire is at a domestic dwelling, the BBQ or campfire properly is constructed so that it is raised off the ground and has sufficient wind breaks; c) All combustible material is to be cleared from within a 5 metre radius surrounding the campfire; d) A functioning hose or running water must reach the campfire; e) The fire is lit between 6;00pm (18:00hrs) and 11;00pm (23:00hrs) and is completely extinguished before midnight on the same day; f) At least one person is always present at the site of the fire until it is completely extinguished by the application of water or earth; and g) The solid fuel being burnt is no greater than 1.5 cubic metres. ”*

## **COMMENT:**

Advice was sought from Department of Fire and Emergency Services Legal & Legislative Services and it was confirmed there isn’t an avenue under the Bush Fires Act for the Shire to make the same restriction available for garden refuse extend to open air cooking or camping fires during the Restricted Burning Period.

## STATUTORY ENVIRONMENT:

### **Bushfire Act 1954**

**Section 24G.** *Minister or local government may further restrict burning of garden refuse*

(2) *A local government may, by notice published in the Gazette and a newspaper circulating in its district, prohibit or impose restrictions on the burning of garden refuse within its district that is otherwise permitted under section 24F.*

(4) *In a notice under this section the Minister or a local government must specify —*

(a) *the person or class of persons to whom; and*

(b) *the area in which; and*

(c) *the period during which, the notice applies.*

(5) *The Minister or a local government may vary or cancel a notice under subsection (1) or (2) by publishing a further notice under the relevant subsection.*

**Section.25(1a)** *Notwithstanding anything contained in subsection (1) a local government may, by notice published in the Gazette and in a newspaper circulating in its district, prohibit the lighting of fires in the open air in its district for the purpose of camping or cooking for such period during the **prohibited burning times** as is specified in the notice*

## POLICY IMPLICATIONS:

Nil

## FINANCIAL IMPLICATIONS:

Nil

## STRATEGIC IMPLICATIONS:

Our Community Leadership – We listen to our community leaders. 5.1 Listen – to listen to our partner with our community leaders and all our diverse groups.

## VOTING REQUIREMENTS:

Absolute Majority.

## RECOMMENDATION:

That Council;

1. Notes motion 20116 point 1. and 2. as follows was published in the Gazette on 11 December 2020 (LG402) and the Nannup Telegraph December 2020 issue.

*“1. Under section 24G (2) of the Act, hereby prohibits the burning of garden refuse within the Shire boundaries during the Shire of Nannup’s Prohibited Burning Period and, during the Restricted Burning Periods, a permit is required from a Fire Control Officer.*

*2. Under section 25(1a) of the Act, hereby prohibits the lighting of open air cooking or camping fires within the Shire boundaries during the Prohibited Burning Period.”*

2. Notes it has since been established that motion 20116 point 3. Is not in accordance with the provisions of the Bush Fire Act 1954 and the following was published in the Gazette on 11 December 2020 (LG402) and the Nannup Telegraph December 2020 issue.

3. During the restricted burning period, you can get a permit for an open air fire the purpose of cooking and camping or they should be in in accordance with the following conditions:

- All open air fires must not be lit if the Fire Danger Rating is Very High or above, or if a Total Fire Ban or a Harvest and Vehicle Movement Ban is declared, permits are automatically cancelled,
- Fires for the purpose of cooking or campfire should be at a domestic dwelling, in an appropriately constructed BBQ or fire pit that is raised off the ground and has sufficient wind breaks,
- All flammable material should be cleared from within a 5 metre radius surrounding the cooking or campfire,
- A functioning hose or running water should be able to reach the cooking or campfire,
- Cooking and campfires should only be lit between 6:00pm (18:00hrs) and 11:00pm (23:00hrs) and should be completely extinguished before midnight on the same day,
- At least one person should always be present at cooking or camp fire until it is completely extinguished by the application of water or earth; and;
- The solid fuel being burnt should not be greater than 1 cubic metre

AGENDA NUMBER:	12.5
SUBJECT:	Request the Fire & Emergency Services Commissioner to extends the Shire of Nannup's Restricted Burning Times (RBT) and Minister to extend the Prohibited Burning Times (PBT)
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FRC 1 AND FRC 4
AUTHOR:	Rosalyn Edwards – Ranger Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	14 December 2020
ATTACHMENT:	12.5.1 - Government Gazette Bush Fire Act 1954 Bush Fires (Prohibited Burning Times) Declaration 2012 12.5.2 - Government Gazette Bush Fire Act 1954 Bush Fire (Restricted Burning Times) Declaration 2012

## BACKGROUND:

For a number of years, the Shire of Nannup has advertised within its annual fire notice restricted burning times dates that differ from the Fire and Emergency Services (FES) gazetted dates.

At Ordinary Council Meeting held 17 September 2020 resolution 20115 was passed:  
**“1. Write to the Fire and Emergency Services Commissioner requesting that the Shire of Nannup Restricted Burning dates be gazetted as follows;**  
**• Restricted burning period - 3 November to 31 May • Prohibited burning period - 18 December to 28 February**  
**2. Request that the Fire and Emergency Services Commissioner approve that the Scott River/Peerabeelup regions be classified as a different climatic zone so that it can be varied by the Shire of Nannup.”**

After further discussion with DFES it was noted the Chief BFCO and Shire President can alter the RBT and PBT for the Scott River/Peerabeelup through local delegation seasonally should it be required.

If the PBT is to change from what is currently gazetted, this is a matter for the Minister to declare under s17 of the Bush Fires Act.



**COMMENT:**

Extending the dates will reduce the requirement to extend the date in two week increments.

**STATUTORY ENVIRONMENT:**

*Bushfire Act 1954*

*Division 2 — Prohibited burning times*

*Section 17. Prohibited burning times may be declared by Minister*

- (1) The Minister may, by declaration published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the declaration and may, by subsequent declaration so published, vary that declaration or revoke that declaration either absolutely or for the purpose of substituting another declaration for the declaration so revoked.*

*Division 3 — Restricted burning times*

*Section 18. Restricted burning times may be declared by FES Commissioner*

- (1) Nothing contained in this section authorises the burning of bush during the prohibited burning times.*
- (2) The FES Commissioner may, by notice published in the Gazette, declare the times of the year during which it is unlawful to set fire to the bush within a zone of the State mentioned in the notice except in accordance with a permit obtained under this section and with the conditions prescribed for the purposes of this section, and may, by subsequent notice so published, vary that declaration or revoke that declaration either wholly or for the purpose of substituting another declaration for the declaration so revoked.*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Our Community Leadership – We listen to our community leaders. 5.1 Listen – to listen to our partner with our community leaders and all our diverse groups.

**VOTING REQUIREMENTS:**

Absolute Majority.

**RECOMMENDATION:**

That Council;

1. Write to the Fire and Emergency Services Commissioner requesting that the Shire of Nannup Restricted Burning dates be gazetted as follows;
  - Restricted burning times - 3 November to 14 May
2. Write to the Fire and Emergency Services Minister requesting that the Shire of Nannup Prohibited Burning date be gazetted as follows;
  - Prohibited burning times - 18 December to 28 February
3. Notes the Chief BFCO and Shire President can alter the RBT and PBT for the Scott River/Peerabeelup through local delegation seasonally should it be required.

**13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

**13.1 OFFICERS**

**13.2 ELECTED MEMBERS**

**14. MEETING CLOSED TO THE PUBLIC  
(Confidential Items)**

**14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

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

**17. CLOSURE OF MEETING**



## Attachments

Item	Attach	Title
<b>8.1</b>		November 2020 Ordinary Council Meeting Minutes
<b>9.1</b>		LDAG Committee Minutes
<b>9.2</b>		WALGA State Council Minutes
<b>12.1</b>	1	Register of Delegated Development Approvals
<b>12.2</b>	1	Financial Statements for the period ending November 2020
<b>12.3</b>	1	Accounts for Payment – November 2020
<b>12.4</b>	1	Government Gazette LG402 Bush Fires Act 1954 Shire of Nannup Burning of Garden Refuse or Lighting of Open Air Camping or Cooking Fires During Prohibited or Restricted Burning Times
<b>12.5</b>	1	Government Gazette Bush Fire Act 1954 Bush Fires (Prohibited Burning Times) Declaration 2012
	2	Government Gazette Bush Fire Act 1954 Bush Fire (Restricted Burning Times) Declaration 2012