



Shire of
Nannup
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Minutes

Council Meeting held Thursday 17 December 2020

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Minutes

1. DECLARATION OF OPENING & ACKNOWLEDGEMENT OF COUNTRY

The Shire President declared the meeting open at 5.30 pm.

2. RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE / VISITORS

ATTENDANCE:

Shire President: Cr T Dean

Councillors: R Mellema, P Fraser, V Hansen, C Buckland, C Brown.

David Taylor – Chief Executive Officer
Kim Dolzadelli – Manager Corporate & Community Services
Jon Jones – Manager Infrastructure
Sarah Dean – Governance Officer
Rosalyn Edwards – Ranger Officer

APOLOGIES: Cr V Corlett, Cr C Stevenson

LEAVE OF ABSENCE: Nil.

VISITORS: Ian Gibb, Wayne Leece.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:

Nil.

4. PUBLIC QUESTION TIME:

Nil.

5. APPLICATIONS FOR LEAVE OF ABSENCE:

Nil.

6. PETITIONS/DEPUTATIONS/PRESENTATIONS:

Nil.

7. DECLARATIONS OF INTEREST:

Cr Brown declared an Impartiality Interest in agenda item 13.2 Disposable Assets and Community Asset Transfer as she is a resident of the Cundinup area where an asset item is being considered for disposal.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

20152 BUCKLAND/HANSEN

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

CARRIED (6/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

20153 BUCKLAND/MELLEMA

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.

CARRIED EN BLOC (6/0)

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

Nil.

11. REPORTS BY MEMBERS ATTENDING COMMITTEES:

Date	Meeting	Councillor
01/12	Warren Blackwood Alliance of Councils	Hansen,
17/12	Australia Day Committee	Hansen, Buckland, Fraser
	BIG N	Buckland

12. REPORTS OF OFFICERS:

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:

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

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.

20154 BUCKLAND/HANSEN

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

CARRIED (6/0)

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.

20155 BUCKLAND/BROWN

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

CARRIED (6/0)

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>		\$366,671.62

Trust Account

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

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.

20156 HANSEN/BROWN

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.

CARRIED (6/0)

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.

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

20157 MELLEMA/BROWN

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 for the purpose of cooking and camping or they should be 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**

CARRIED BY ABSOLUTE MAJORITY (6/0)

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.

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.

20158 MELLEMA/BROWN

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.***

CARRIED BY ABSOLUTE MAJORITY (6/0)

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

13.1 OFFICERS

20159 MELLEMA/BROWN

That the two late items; Endorsement of Funding Item and Disposable Assets submitted to Council be considered urgent business.

CARRIED BY ABSOLUTE MAJORITY 6/0

20160 MELLEMA/BUCKLAND

That standing orders be suspended to allow for discussion on the late items.

CARRIED (6/0)

20161 BUCKLAND/BROWN

That standing orders be resumed to allow for voting on the late items.

CARRIED (6/0)

AGENDA NUMBER:	13.1
SUBJECT:	Endorsement of Funding Received and Allocations
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	REC 1 and REC 6
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	21 November 2020
ATTACHMENT:	Nil

BACKGROUND:

The purpose of this item is for Council to consider the endorsement and allocation of external funding received recently. This funding is as follows;

\$100,000	Regional Economic Development Grant – South West Development Commission
\$265,512	Local Road and Infrastructure Funding – Extension Program
\$25,000	Living with Emus Sculpture – Road Safety Commission

Regional Economic Development Grant (REDS)

An application for this grant was submitted earlier in the year to the State Government for Stage 2 of the Tank 7 and 8 Mountain Bike Park for the figure of \$200,000 with the Shire contributing a matching \$200,000. An announcement made on the 30th October 2020 saw Nannup successful in receiving \$100,000.

Local Road and Community Infrastructure Program (LRCI)

On the 22nd of May 2020, the federal Government announced a funding program whereby Nannup was the recipient of a \$343,617 allocation. Council through its annual budgeting process allocated this to certain projects.

Recently the Federal Government announced an extension to the program whereby the Shire is recipient to a further \$365,000 that will be available from 1 January 2021.

COMMENT:

Regional Economic Development Grant (REDS)

The discussions with Council during budget regarding the application to the State Government were on the basis of the Shire matching the funding received from the State Government. The application was made for \$200,000 with the Shire matching \$200,000 (dollar for dollar) and that is how the application was worded. The Shire's matching contribution was going to be funded from Reserves.

The State Government have since awarded \$100,000 and when going to sign the grant agreement, Shire staff made mention of the matching dollar for dollar basis. The State Government did not perceive the application in the same way and have advised that the \$100,000 grant was awarded on the basis that the Shire is going to contribute \$200,000, making a total project of \$300,000. When Shire officers informed that this is not the basis by which the application was made, the response received was that the Council had to make one of the following decisions;

- a. Remain to the original understanding and match the funding of \$100,000.

Even though this is how the application was worded, the risk is that the State Government have said that they would need to review the application as the \$100,000 was awarded on the basis of the Shire contributing \$200,000. There is a possibility that the grant may be retracted upon a review.

- b. Agree to fund the \$200,000 in order to avoid a review and potentially lose the funding.

It is the officer's recommendation to fund the \$200,000 utilising the Local Road and Community Infrastructure funding (detailed below).

Local Road and Community Infrastructure Program (LRCI)

The additional \$65,512 of LRCIF is most welcomed by the Shire of Nannup as we can utilise this to deliver more for the Nannup community.

Senior staff have reviewed their existing funding and corresponding workloads, which are as follows;

\$1,000,000 Drought and Communities Programs – multiple projects.
\$343,617 Local Road and Infrastructure Funding – multiple projects.
Plus ordinary Road Works Programs and building renewal programs.

The general consensus was that the organisation is at capacity given the current staffing levels and it is recommended that instead of adding new projects with the additional \$265,512 from the LRCIF Extension Program that Council use these to fill obligations of other funding sources and boost existing projects as this will enable higher quality outcomes for those existing projects whilst maintaining the ability to deliver with existing staffing levels. It is recommended to Council that these funds be allocated to the following projects;

\$200,000 Contribution to the Regional Economic Development Grant for Stage 2a of the Tank 7 and 8 Mountain Bike Park. This will ensure that the Shire will receive the \$100,000 REDS funding and will save these funds being drawn from Reserves. This will make a total project fund of \$300,000 for Stage 2 Tank 7 and 8 Mountain Bike Park.

\$65,512 Apply additional contribution of \$65,512 to the Marinko Tomas Playground upgrades, this will enable a higher quality outcome to meet the desires of the Community.

\$25,000 This is a 100% external funded project to construct an emu sculpture at the entrance to Tank 7 and 8 Mountain Bike Park.

STATUTORY ENVIRONMENT:

Local Government Act 1995

POLICY IMPLICATIONS:

FNC 6 – Acceptance of Grant Funding

Grants over \$10,000 need to be endorsed by Council.

FINANCIAL IMPLICATIONS:

External Grant Funding Received

\$100,000 Regional Economic Development Grant – South West Development Commission

\$265,512 Local Road and Infrastructure Funding – Extension Program

\$25,000 Living with Emus Sculpture – Road Safety Commission

These funds are allocated per the recommendation below resulting in no need for the Shire of Nannup to draw upon any reserve or rates funding.

STRATEGIC IMPLICATIONS:

Shire of Nannup Strategic Community Plan 2017 – 2027

- 1.1 All of Us / Who we are – we will retain pride in being a small but friendly town that is a welcoming place to live and full of wonderful people.
- 2.1 The Big Picture – we will have a sustainable, innovative and equitable economy.
- 2.2 Tourism / Recreation – working together to attract people to our amazing Shire.
- 4.3 Our Sustainable Future – to achieve a green clean future.
- 5.2 Working Together – to have united community groups working together.

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION

That Council;

- a. Endorse the Chief Executive Officer to execute the signing of the Regional Economic Development Scheme Grant Agreement with the South West Development Commission for \$100,000 and the Shire of Nannup contribution of \$200,000, and;
- b. Endorse the receipt of the \$265,512 Local Road and Infrastructure Funding – Extension Program and allocate \$200,000 as the Shire of Nannup’s contribution to the Regional Economic Development Grant Scheme within part a) and the remaining \$65,512 to be added as additional funding towards the upgrade of Marinko Tomas Park making that a total budget allocation of \$155,512.
- c. Endorse the Chief Executive Officer to execute the signing of the Living with Emus Sculpture Grant Agreement with the Road Safety Commission for \$25,000.

20162 MELLEMA/BUCKLAND

That Council;

- a. Endorse the Chief Executive Officer to execute the signing of the Regional Economic Development Scheme Grant Agreement with the South West Development Commission for \$100,000 and the Shire of Nannup contribution of \$200,000, and;*
- b. Endorse the receipt of the \$265,512 Local Road and Infrastructure Funding – Extension Program and allocate \$200,000 as the Shire of Nannup’s contribution to the Regional Economic Development Grant Scheme within part a) and the*

remaining \$65,512 to be added as additional funding towards the upgrade of Marinko Tomas Park making that a total budget allocation of \$155,512.

c. Endorse the Chief Executive Officer to execute the signing of the Living with Emus Sculpture Grant Agreement with the Road Safety Commission for \$25,000.

CARRIED (6/0)

Cr Brown declared an Impartiality Interest in the following item as she owns property in the Cundinup area where a Council asset is being considered for transfer.

AGENDA NUMBER:	13.2
SUBJECT:	Disposable Assets and Community Asset Transfers Assessment
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 December 2020
ATTACHMENT:	13.2.1 - Disposable Asset and Community Asset Transfer Assessment

BACKGROUND:

An assessment has been completed internally of Shire of Nannup’s building and land assets in order to assess and identify opportunities for asset disposals or Community Asset Transfers (CAT’s).

COMMENT:

During the Shire of Nannup previous Strategic Planning process, Council identified several of its assets to be classified as disposable assets, meaning that they were not core to local government operations. A full list of these assets and their classification can be found in the Asset Management Strategy.

Further to this, Council have requested the Chief Executive Officer to review Council assets to determine what may be disposable either through sale or Community Asset Transfer.

Assets were sorted to remove any assets that related to administration, emergency services, communications, public, town halls and sports.

By Council rationalising its assets to identify those assets that could either disposed or transferred to a community group would help the Shire of Nannup's financial position, in particular relating to the long-term planning and financial ratios.

Benefits of transferring assets to community groups builds the resilience and autonomy of those groups. It removes a lot of the politics relating to Shire budgets and management and also gives the groups the possibility to leverage against the value of the asset (dependent on the asset. i.e. reserve or freehold). It also identifies any opportunities where cash is being tied up in an asset unnecessarily or opportunities to value-add existing assets.

In summary the assets identified were;

Vacant / Undeveloped Land Parcels

- 82 Wilson Street
- 63 Carey Street

Potential Community Asset Transfers

- Community Storage Sheds
- Community House
- FROGS Early Childhood Learning Centre
- Carlotta Community Hall
- Cundinup Community Hall

Potential Land Swaps

- Undeveloped freehold land behind Cemetery

Future uses of other buildings

- Old Roads Board Building

Details of these summaries and recommendations are included within the attachment.

Senior Officer housing was originally included within the review as it was suspected that there may be an excess to requirements given the historical occupancy of these houses. A recent appointment of a new senior officer has identified that these three houses are required and therefore have been removed from the document and will be reviewed at a later date if circumstances change.

It is noted that these disposals will be subject to processes in accordance with Section 3.58 of the *Local Government Act 1995*.

STATUTORY ENVIRONMENT:

Section 3.58 Local Government Act 1995 states;

“3.58. Disposing of property

(1) In this section —

dispose includes to sell, lease, or otherwise dispose of, whether absolutely or not;

property includes the whole or any part of the interest of a local government in property, but does not include money.

- (2) Except as stated in this section, a local government can only dispose of property to —
- (a) the highest bidder at public auction; or
 - (b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.
- (3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —
- (a) it gives local public notice of the proposed disposition —
 - (i) describing the property concerned; and
 - (ii) giving details of the proposed disposition; and
 - (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;and
 - (b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
- (4) The details of a proposed disposition that are required by subsection (3)(a)(ii) include —
- (a) the names of all other parties concerned; and
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
- (5) This section does not apply to —
- (a) a disposition of an interest in land under the [Land Administration Act 1997](#) section 189 or 190; or
 - (b) a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59; or

- (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law; or*
- (d) *any other disposition that is excluded by regulations from the application of this section. “*

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

There will be reduced rental income from Community Storage Sheds and FROGS totalling approximately \$10,000 per annum, however, this will be offset by the Shire no longer being responsible for the renewal and maintenance costs associated with the land and buildings.

STRATEGIC IMPLICATIONS:

Shire of Nannup Strategic Community Plan 2017 – 2027

Our Community Leadership

5.1 Listen – to listen and partner with our community leaders and all our diverse groups.

5.2 Work Together – to have united community groups working together.

VOTING REQUIREMENTS:

Simple Majority

RECOMMENDATION

That Council;

1. Endorse the report Disposable Asset and Community Asset Transfers Assessment dated December 2020.
2. Endorse the Chief Executive Officer and Manager Corporate and Community Services to commence discussions with the relevant tenants of the following assets to identify their willingness for their respective Community Asset Transfers;
 - a. Community Storage Sheds
 - b. Community House
 - c. FROGS Early Childhood Learning Centre
 - d. Carlotta Community Hall
 - e. Cundinup Community Hall

3. Endorse the Chief Executive Officer to advertise the following vacant blocks of land to the open market;
 - a. 82 Wilson Street, Nannup WA
 - b. 63 Carey Street, Nannup WA

4. Endorse the Chief Executive Officer to commence discussions with the relevant State Departments for a freehold ownership land swap of the 12 undeveloped block behind the cemetery in exchange for the Reserve lands that the Nannup Caravan Park and Riverbend Caravan Park are located on.

20163 HANSEN/BROWN

That Council;

1. Endorse the report Disposable Asset and Community Asset Transfers Assessment dated December 2020.

2. Endorse the Chief Executive Officer and Manager Corporate and Community Services to commence discussions with the relevant tenants of the following assets to identify their willingness for their respective Community Asset Transfers;

- a. Community Storage Sheds***
- b. Community House***
- c. FROGS Early Childhood Learning Centre***
- d. Carlotta Community Hall***
- e. Cundinup Community Hall***

3. Endorse the Chief Executive Officer to advertise the following vacant blocks of land to the open market;

- a. 82 Wilson Street, Nannup WA***
- b. 63 Carey Street, Nannup WA***

4. Endorse the Chief Executive Officer to commence discussions with the relevant State Departments for a freehold ownership land swap of the 12 undeveloped block behind the cemetery in exchange for the Reserve lands that the Nannup Caravan Park and Riverbend Caravan Park are located on.

CARRIED (6/0)

13.2 ELECTED MEMBERS

Nil.

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

Nil.

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:

Nil

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

Nil.

17. CLOSURE OF MEETING

The Shire President declared the meeting closed at 6.29 pm.