



Shire of
Nannup
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Agenda

Council Meeting to be held Thursday 25 February 2021

Commencing at 5.30pm

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Agenda

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

2. RECORD OF ATTENDANCE/APOLOGIES/

3. PUBLIC QUESTION TIME:

3.1 Response to previous questions

Nil.

3.2 Public Question Time

4. APPLICATIONS FOR LEAVE OF ABSENCE LEAVE OF ABSENCE (previously approved):

5. CONFIRMATION OF MINUTES:

6. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

7. DISCLOSURE OF INTERESTS:

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

9. PRESENTATIONS:

9.1 Petitions

9.2 Presentations

9.3 Deputations

10. MATTERS FOR WHICH THE MEETING MAY BE CLOSED:

Nil.

11. REPORTS BY MEMBERS ATTENDING COMMITTEES:

12. REPORTS OF OFFICERS:

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AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for December 2020 & January 2021
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:	5 February 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	21.1.1 – 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 December 2020 & January 2021 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 December 2020 & January 2021, three (3) 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 December 2020 & January 2021 compared to December 2019 & January 2020:

	December 2019 & January 2020	December 2020 & January 2021
Delegated Decisions	4 (\$87,500)	3 (\$171,000)
Council Decisions	0	0
Total	4 (\$87,500)	3 (\$171,000)

100% of all approvals issued in the month of December & January 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 December 2020 & January 2021 as per Attachment 12.1.1.

AGENDA NUMBER:	12.2
SUBJECT:	Monthly Accounts for Payment - January 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	22 February 2021
ATTACHMENT:	12.2.1 – Accounts for Payment January 2021

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 January to 31 January 2021 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	13218 -13313	568,157.53
Accounts paid by cheque	20495-20497	1,272.20
Accounts paid by Direct Debit	DD11012.1-DD11042.15	49,551.76
<i>Sub Total Municipal Account</i>		<u>\$618,981.49</u>

Trust Account

Accounts paid by - nil		0.00
<i>Sub Total Trust Account</i>		<u>0.00</u>
Total Payments		<u>\$618,981.49</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 \$618,981.49 1 January 2021 to 31 January 2021 in the attached schedule(s) be endorsed.

AGENDA NUMBER:	12.3
SUBJECT:	Budget Monitoring – January 2021
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 and Community Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	22 February 2021
ATTACHMENTS:	12.3.1 – Financial Statements for the period ending January 2021

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 12.3.1.

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 31 January 2021

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 31 January 2021 be received.

AGENDA NUMBER:	12.4
SUBJECT:	Adoption of Shire of Nannup Code of Conduct for Council Members, Committee Members and Candidates
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 13
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	20 February 2021
ATTACHMENTS:	12.4.1 – Shire of Nannup Code of Conduct for Council Members, Committee Members & Candidates 12.4.2 – Draft Code of Conduct Complaint Form 12.4.3 - Local Government (Model Code of Conduct) Regulations 2021 12.4.4 - Local Government (Model Code of Conduct) Regulations 2021 - Explanatory Notes 12.4.5 - DLGSC Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates

BACKGROUND:

On 27 June 2019 the *Local Government Legislation Amendment Act 2019* was passed by Parliament.

On Tuesday, 2 February 2021 the following regulations were gazetted to take effect on Wednesday, 3 February 2021:

- *Local Government (Administration) Amendment Regulations 2021*
- *Local Government (Model Code of Conduct) Regulations 2021*
- *Local Government Regulations Amendment (Employee Code of Conduct) Regulations 2021.*

New sections of the Local Government Act that provided for the New Regulations were proclaimed concurrently and are also now in effect.

The Department of Local Government Sporting and Cultural Industries (DLGSC) recognises the speed with which these changes were made, providing an implementation timeframe of up to three months for local governments to operationalise the new regulations.

Local governments are required to take specific initial actions within three weeks of the regulations taking effect (by 24 February 2021) as included within the Executive Recommendation of this report.

It is further expected that local governments adopt the new regulations and any other procedures and processes required for implementation within three months from the regulations taking effect (by 3 May 2021).

COMMENT:

The purpose of this report is to present the recently legislated *Local Government (Model Code of Conduct) Regulations 2021* which applies a model code of conduct applicable to Council Members, Committee Members and Candidates. The recommendations within this report seek Council adoption of the Model Code of Conduct, request Council to authorise the Chief Executive Officer as its current complaint officer to receive complaints and ensure an approved form for submitting complaints is in place.

The model Code of Conduct supersedes the current Shire of Nannup Code of Conduct Councillors & Committee Members 2016.

New Regulations prescribing the minimum requirements for an Employee Code of conduct were also proclaimed. The CEO will prepare and implement a code of conduct to be observed by employees accordingly. Endorsed Management Policies and procedures relating to Employee Customer Service Charter and complaint processes remain in place.

The *Local Government (Model Code of Conduct) Regulations 2021* bring into effect sections 48-51 of the Amendment Act by introducing a mandatory code of conduct for council members, committee members and candidates.

The Model Code Regulations provide for:

- overarching principles to guide behaviour
- behaviours which are managed by local governments
- rules of conduct breaches which are considered by the Standards Panel.

The purpose of the model is to guide decisions, actions and behaviours. It also recognises that there is a need for a separate code for council members, committee members and candidates to clearly reflect community expectations of behaviour and ensure consistency between local governments. It also provides for a process to deal with complaints to ensure a consistent approach across the sector.

If a council member does not comply with any action required by the local government following a breach of the model Code, the local government may refer the matter to the Standards Panel as an alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions to resolve minor breaches.

To begin implementation of the model Code, as soon as practical (by 24 February 2021), local governments must:

- appoint a person to receive complaints by either affirming the current complaint officers or appoint a new or additional officer(s), and
- approve a form for complaints to be lodged as attached attachment 12.4.2.

While local governments may not amend Division 2 (Principles) or Division 4 (rules of Conduct), additional behaviour requirements can be included in Division 3 (Behaviours) if deemed appropriate by the local government. Any additions must be consistent with the model Code of Conduct (section 5.104(3) of the Act).

The CEO must publish the adopted Code of Conduct on the Local Government's official website as required by section 5.104(7)) *Local Government Act 1995*.

STATUTORY ENVIRONMENT:

Section 5.104 of the Act requires that local governments adopt the model Code as their Code of Conduct within three months of the *Local Government (Model Code of Conduct) Regulations 2021* coming into operation (by 3 May 2021).

The operational requirements of Division 3 require local governments to take certain initial actions within three weeks (by 24 February 2021).

POLICY IMPLICATIONS:

No Council Policy currently applies. The DLGSC have provided *Local Government (Model Code of Conduct) Regulations 2021* Explanatory Notes as well as Guidelines on the model Code of Conduct for Council Members, Committee Members and Candidates, which are can be seen at attachment 12.4.4 and attachment 12.4.5 respectively.

FINANCIAL IMPLICATIONS:

The recommendations within this report can be implemented within the current budget allocations.

STRATEGIC IMPLICATIONS:

Our Council Leadership

A listening leadership that provides for and represents all

6.1 Lead, Listen, Advocate, Represent and Provide: A listening leadership that provides and represents all

6.2 We are one: To do what is right and fair for the people.

VOTING REQUIREMENTS:

Absolute Majority

RECOMMENDATION:

That Council:

1. Adopt the Model Code of Conduct as contained within the Local Government (Model Code of Conduct) Regulations 2021 as the Shire model, applicable to Council Members, Committee Members and Candidates as presented at attachment 12.4.1;
2. Request the CEO to publish the adopted Code of Conduct on the Shire of Nannup website in accordance with section 5.104(7) of the Local Government Act 1995;
3. Authorise the Chief Executive Officer for the purposes of receiving complaints and withdrawal of complaints in accordance with Clause 11(3) of the Local Government (Model Code of Conduct) Regulations 2021;
4. Approve the Complaint form as presented at attachment 12.4.2 in accordance with Clause 11(2)(a) of the Local Government (Model Code of Conduct) Regulations 2021;
5. Delegate to the Chief Executive Officer the power to appoint one or more persons to receive complaints and withdrawals of complaints in accordance with section 5.42 of the Local Government Act 1995

AGENDA NUMBER:	12.5
SUBJECT:	2021 Making Smoking History Forest Rally Sponsorship Agreement
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ASS 14
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	22 February 2021
ATTACHMENTS:	12.5.1 – Forrest Rally Letter to Chief Executive Officer

BACKGROUND:

Council, the Forest Rally organisers have undertaken pre-planning for the 2021 event which will be hosted 22 & 23 May 2021.

The event was cancelled in 2020 and in 2019 it had its first year at the Recreation Precinct. The Rally organisers wish to use the Community Meeting Room as their main Head Quarters, which is now set up with WIFI Internet to support such events.

The rally is Round 2 of the Motorsport Australia Australian Rally Championship® and WA Rally Championship. It is expected the event will attract 1200 people including officials and service crew as well as media.

COMMENT:

The value of the Making Smoking History Forest Rally in respect to economic and promotional benefits to the broader community is acknowledged. Over the past 20 years the rally promotes the Shire of Nannup on all publications as part of the promotion of the rally.

The plan is to utilise the Recreation Precinct as the rally activation zone, where all the rally cars, service vehicles will be in one central location. This will mean minimal impact to the roads and traffic in Nannup.

The Rally organisers are requesting sponsorship from the Shire to include free use of the requested facilities over the weekend.

1. Use the Nannup Recreation & Community Centre as our Rally HQ and Service Park. This would entail.
 - i) The Community Meeting Room as hour Rally HQ from Wednesday 19 May to Sunday 23 May, and will require the use of the Internet and be able to set up a Radio Antenna

- ii) The surrounding roads and the hockey ground to be used as the Service Park, allowing trucks to be parked on the road from Tuesday.
 - iii) Crew to access the showers at the recreation centre.
2. The booking of the Shire of Nannup grader to repair the Folly Plantation roads on Monday 24 May 2021 or as close to that date as possible.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

FNC 3 – Community Groups and Donations

FINANCIAL IMPLICATIONS:

The booking fee for five-day hire of the facilities equates to \$11,090 and includes:

Community Meeting Room:	\$113 p/day ~ \$565
Recreation Centre:	\$138 p/day ~ \$690
Hockey oval:	No fee associated
Recreation Change Rooms:	\$31 p/day ~ \$155
Use of Grader Valuation	
(a) Private Works Rates - 40 hours @ \$242p/hr	~ \$9,680
(b) Cost Recovery – 40 hours @ \$126p/hr	~ \$5,040

Total Fees and Charges Cost ~ \$11,090

Total Cost Recovery Cost ~ \$6,450

STRATEGIC IMPLICATIONS:

Strategic Community Plan 2017 -2027

Our Community

We are a unique town that role models sustainability, friendliness, take time to celebrate our heritage and festivals.

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATION:

That Council support the 2021 Making Smoking History Forest Rally in the means of a sponsorship agreement to the value of \$11,090.

13. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

14 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING:

14.1 Officers

14.2 Elected Members

15. CLOSURE OF MEETING: