



Shire of
Nannup
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Agenda Attachments

Ordinary Meeting of Council to be held
on Thursday 25 February 2021
Commencing at 5.30pm
in Council Chambers

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Attachment 5.1



Shire of
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Minutes

Council Meeting held Thursday 28 January 2021

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Contents

Item	Minute	Title	Page
1		Declaration of Opening & Acknowledgement of Country	1
2		Record of Attendance/Apologies/Leave of Absence/Visitors (Previously Approved)	1
3		Applications for Leave of Absence	1
4		Response to Previous Public Questions Taken on Notice	1
5		Public Question Time	1
6		Petitions/Deputations/Presentations	2
7		Declarations of Interest	2
8		Confirmation of Minutes of Previous Meetings	2
8.1		Confirmation of Previous Ordinary Council Meeting Minutes	2
9		Minutes Of Council Committees	2
10		Announcements by Presiding Member Without Discussion	2
11		Reports by Members Attending Committees	2
12		Reports of Officers	
12.1		Accept West Australian Bike Network Grants 2021-22 / 2022-23	3
12.2		Budget Monitoring – December 2020	6
12.3		Monthly Accounts for Payment - December 2020	8
13		New Business Of An Urgent Nature Introduced By Decision Of Meeting	10
14		Meeting Closed To The Public	10
15		Elected Members Motions Of Which Previous Notice Has Been Given	10
16		Question By Members Of Which Due Notice Has Been Given	10

17

Closure Of Meeting

10

Minutes

1. DECLARATION OF OPENING & ACKNOWLEDGEMENT OF COUNTRY

The Shire President declared the meeting open at 5.31 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, V Corlett, C Stevenson.

David Taylor – Chief Executive Officer
Jon Jones – Manager Infrastructure
Sarah Dean – Governance Officer

APOLOGIES: Nil.

LEAVE OF ABSENCE: Nil.

VISITORS: Wayne Leece, Ian Gibb.

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:

Nil.

8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:

21001 HANSEN/BUCKLAND

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on Thursday 17 December 2020 be confirmed as a true and correct record.

CARRIED (8/0)

9. MINUTES OF COUNCIL & OTHER COMMITTEES

Nil.

10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:

Nil.

11. REPORTS BY MEMBERS ATTENDING COMMITTEES:

Nil.

12. REPORTS OF OFFICERS:

AGENDA NUMBER:	12.1
SUBJECT:	Accept West Australian Bike Network Grants 2021-22 / 2022-23
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 6
AUTHOR:	Nicole Botica – Economic & Community Development Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT	22 January, 2021
ATTACHMENT:	Nil

BACKGROUND:

In August 2020 the Shire of Nannup was invited to provide a full application to the WABN Grants for 2021-22 / 2022 - 23 funding round. The project for selection was the bridge project known as Southern Approach to Town.

This project is important to the Shire of Nannup and will contribute towards infrastructure to support the trail town strategy as identified in Nannup Cycle Master Plan, 2020. Key priorities have been identified and include invest in the Munda Biddi trail as a backbone establishing Nannup as the Munda Biddi halfway town and creating a vibrant trails town. The project will complete the missing section of a pathway linking Vasse Hwy and Brockman Hwy on the southern end of town.

The project will require two small bridges and an extension of an existing (concrete) pathway to safely link users to East Nannup Road. The pathway extension will be constructed out of asphalt. This is the alignment of the Munda Biddi Trail connecting Nannup to Donnelly River Village. Connectivity for the Cockatoo Valley residents will improve and the safety of trail users, including pedestrian, cycle and bridle trail users.

The project staged over two financial years, the first year will include the development of a detailed design and construction of approximately 100m of the pathway extension. The bridge construction and installation will occur the following financial year.

On Thursday 21 January The Shire of Nannup was informed that the application was successful and an acceptance of the grant in writing is required to confirm or decline the grant monies by 11 February 2021.

COMMENT:

The application will support the Trail Town strategy for the Shire of Nannup and the project is important to the local community as it offers a safe passage for pathway users. Currently all pedestrians, cyclists, and horse riders have to contend the narrow bridge crossing with cars, trucks and caravans. The Vasse Hwy intersection is becoming increasingly busier as vehicular tourism and logging trucks travelling to Nannup increase.

STATUTORY ENVIRONMENT:

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

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Budget and timeframes

Project start date:	01/07/2021
Project completion date:	30/06/2023
Total project cost: This field will be calculated.	\$ 472,830.00

Indicate the stage(s) and amounts of funding for each financial year of the project:
Note: More than one stage may be selected over more than one financial year. All costs to be GST exclusive.

2021-22	Local government	DoT request	Other	TOTAL
Feasibility/ concept design	\$5,000.00	\$5,000.00	\$0.00	\$10,000.00
Detailed design	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$86,415.00	\$86,415.00	\$0.00	\$172,830.00
TOTAL	\$91,415.00	\$91,415.00	\$0.00	\$182,830.00

2022-23	Local government	DoT request	Other	TOTAL
Feasibility/ concept design	\$0.00	\$0.00	\$0.00	\$0.00
Detailed design	\$0.00	\$0.00	\$0.00	\$0.00
Construction	\$26,792.50	\$145,000.00	\$118,207.50	\$290,000.00
TOTAL	\$26,792.50	\$145,000.00	\$118,207.50	\$290,000.00

The Shire of Nannup will pursue funding sources such as Building Better Regions Infrastructure Funding. Main Roads WA have indicated in an email that they are developing the concept design for the project as their in-kind contribution.

The Grant conditions expect a minimum of 25% from Local Government, 50% Department of Transport DoT, and up to 25% - other funding (Federal, TBC).

STRATEGIC IMPLICATIONS:

Our Economy

Sustainability is the key to Nannup's future

- We will have a sustainable, innovative and equitable economy
- Working together to attract people to our town

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATIONS:

That Council accept the \$236,415 offered through the WA Bike Network Grant within the 2021-22 and 2022-23 financial budgets and use the funding to leverage State and or Federal funds to complete the project.

21002 MELLEMA/BUCKLAND

That Council accept the \$236,415 offered through the WA Bike Network Grant within the 2021-22 and 2022-23 financial budgets and use the funding to leverage State and or Federal funds to complete the project.

CARRIED (8/0)

AGENDA NUMBER:	12.2
SUBJECT:	Budget Monitoring – December 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Corporate Services Co-ordinator
REPORTING OFFICER:	Kim Dolzadelli – Manager Corporate and Community Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	21 January 2021
ATTACHMENT:	12.2.1 – Financial Statements for the period ending 31 December 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 31 December 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 31 December 2020 be received.

21003 HANSEN/BROWN

Monthly Financial Statements for the period ending 31 December 2020 be received.

CARRIED (8/0)

AGENDA NUMBER:	12.3
SUBJECT:	Monthly Accounts for Payment - December 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	21 January 2021
ATTACHMENT:	12.3.1 – Accounts for Payment – December 2020

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 December to 31 December 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 card 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	13079 - 13217	348,834.66
Accounts paid by cheque	20487-20493	3,546.11
Accounts paid by Direct Debit	DD10954.1-10974.14	46,091.71
<i>Sub Total Municipal Account</i>		\$46,091.71

Trust Account

Accounts paid by EFT	13115-13167	1,965.33
<i>Sub Total Trust Account</i>		1,965.33

Total Payments		\$400,437.81
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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 1 November 2020 to 30 November 2020 in the attached schedule(s) be endorsed.

21004 BUCKLAND/MELLEMA

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

CARRIED (8/0)

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

13.1 OFFICERS

21005 STEVENSON/BUCKLAND

That the new business be considered of an urgent nature.

CARRIED BY ABSOLUTE MAJORITY (8/0)

21006 BUCKLAND/HANSEN

That the council direct the Chief Executive Officer to liaise with the Peerabeelup community to develop a submission from the Shire of Nannup to Main Roads WA requesting a speed limit reduction for a 4 km section of road from 90 km/hr to 70 km/hr within the Peerabeelup locality. This speed reduction is in alignment with the Shire of Nannup's strategic tourism development within the Shire.

CARRIED (8/0)

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 5.56 pm.



Minutes

Special Meeting of Council
Thursday 11 February 2021

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Contents

Item	Minute	Title	Page
1		Declaration of Opening & Acknowledgement of Country	1
2	21007	Record of Attendance / Visitors/Apologies & Leave of Absence (Previously Approved)	1
3		Declaration of Interest	1
4		Petitions/Deputations/Presentations/Submissions	1
5		Public Question Time	2
6		Reports of Officers	2
	21008	Procedural Motion	13
	21009	Development Application – Private Airstrip	13
7		Closure of Meeting	14

Minutes

1. DECLARATION OF OPENING/ACKNOWLEDGEMENT OF COUNTRY:

The Shire President declared the meeting open at 5.30 pm.

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

Record of Attendance:

Shire President - Cr T Dean

Councillors - C Stevenson, C Brown, C Buckland, V Corlett, V Hansen, P Fraser, R Mellema.

Chief Executive Officer – David Taylor

Development Services Officer – Jane Buckland

Governance Officer – Sarah Dean

Shire of Nannup Consultant Town Planner – Steve Thompson (via Zoom)

Visitors: Ian & Davina Gibb, Rick & Sandy Bruce, Glen Davis, Sue Cranston, Martin Pollock, Kim Koeman, Wayne Leece, Mike & Jess Tucker, A Mason, D Sims, Neville Hamilton, Trevor Larke, Jim & Isabel Green, Cy Hamilton. Dieter Ebeling (via Zoom).

Apologies: Nil.

Leave of Absence:

21007 MELLEMA/BUCKLAND

That Cr Corlett be granted a leave of absence from 25 February 2021 Ordinary Meeting of Council.

CARRIED (8/0)

3. DECLARATION OF INTEREST:

Cr Stevenson declared an impartiality interest in agenda item 6.1 Development Application – Private Airstrip. The nature of her impartiality interest is that she is a member of the greater Jalbarragup/Darradup community. The extent of her interest is that she is a committee member of the Darradup Volunteer Bush Fire Brigade and The Friends of Darradup Incorporated.

4. PETITIONS/DEPUTATIONS/PRESENTATION/SUBMISSIONS:

Nil.

5. PUBLIC QUESTION TIME

Nil.

6. REPORTS OF OFFICERS

AGENDA NUMBER:	6.1
SUBJECT:	Development Application – Private Airstrip
LOCATION/ADDRESS:	Lot 2 on Diagram 70077 (No. 40) Rivergum Way, Darradup
NAME OF APPLICANT:	Dieter Ebeling - Whisperwind
FILE REFERENCE:	A 770
AUTHOR:	Steve Thompson (Consultant Planner)
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the <i>Local Government Act 1995</i>)
DATE OF REPORT	8 February 2021
PREVIOUS MEETING REFERENCE:	None
ATTACHMENT:	6.1.1 - Location Map 6.1.2 - Original plans and information from applicant 6.1.3 - Submissions (1 st round of consultation) 6.1.4 - Updated plans and information from applicant 6.1.5 - Updated current airstrip alignment and application plans 6.1.6 - Submissions (2 nd round of consultation) 6.1.7 - Extract of planning framework 6.1.8 - Extract from <i>Planning and Development (Local Planning Scheme) Regulations 2015</i>

BACKGROUND:

The Shire has received a Development Application from Dieter Ebeling (Whisperwind) to construct a private airstrip, which can also be used as a bitumen driveway, at Lot 2 (No. 40), Rivergum Way, Darradup.

Relevant details relating to the site and the application include:

- The application site is shown in Attachment 6.1.1;
- The property is 40.8715 hectares in area, it contains a dwelling and some sheds;
- The land generally slopes towards the north with the lowest section on the northern boundary;

- Rivergum Way is unsealed;
- The majority of the site has been cleared of vegetation, while a portion near the centre and in the south eastern section contain native vegetation. There is also scattered mature vegetation in other parts of the site; and
- Lots to the east of the site are zoned 'Special Rural' and contain various dwellings and rural living uses. There are also dwellings to the west on Poison Swamp Road. The remainder of the area is predominantly Department of Biodiversity, Conservation and Attractions (DBCA) managed land.

Description of proposed development

The applicant initially proposed the airstrip which was set back 42 metres from the eastern boundary of the site and proposed 365 flights per annum (refer to Attachment 6.1.2). Following a review of the initial round of consultation, the applicant has modified the proposal as outlined in Attachment 6.1.4 and Attachment 6.1.5. The details set out in Attachment 6.1.4 and the revised plans in Attachment 6.1.5 replace the original proposal and plans. The revised proposal and plans (western alignment) are those assessed in this report by Shire administration and the Council.

The development application now seeks development approval for a private airstrip in accordance with the plans shown in Attachment 6.1.4 and 6.1.5 (western alignment). In particular, the applicant proposes the following:

- The construction of a private airstrip that can also function as a vehicle driveway;
- The airstrip will be 900 metres long, 20 metres wide and will be bituminised. There will be a 20 metre grassed area on either side of the bitumen;
- The runway is now central in the property and setback 200 metres from the eastern boundary;
- The airstrip is aligned north/south on the property with take-off and approach generally over DBCA managed land;
- The property is adequately fenced providing secure access;
- A maximum of 120 take-offs and 120 landings per year;
- No night time take-offs or landings are proposed; and
- No commercial or recreational use is proposed.

The applicant confirms there is a need to provide engineering designs of the airstrip including drainage management design and setting out how run-off will be managed prior to construction.

Consultation (first round)

The Shire administration undertook its first round of consultation through inviting public comment on the Development Application for a period of 17 days by writing to 23 adjoining/nearby landowners. Attachment 6.1.3 sets out the submissions. In the first round of consultation, 17 submissions were received by the Shire. In summary:

- no submissions were supportive of the proposed development or raised no objections;
- 3 submissions raised issues; and

- 14 submissions objected to the private airstrip.

Various issues and objections were raised including:

- Noise and amenity;
- Environmental impacts;
- Clarifying the types of aircraft and numbers of flights;
- Safety;
- Potential commercial/recreation use;
- Bushfire risks; and
- Impacts on property values.

Consultation (second round)

The Shire consulted a second time and received 11 responses (see Attachment 6.1.6). This has revealed greater support to the revised proposal however overall a majority of submitters still either raise issues with or object to the proposal. Any additional submissions received in the coming days will be provided to Councillors prior to the Council meeting.

Planning framework

In summary:

- The property is zoned 'Agriculture' in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)* and zoned 'Rural' in the draft *Shire of Nannup Local Planning Scheme No. 4*;
- An airstrip (airfield) is not included in the zoning table of LPS3; and
- The property is located within a bushfire prone area as designated by the Fire and Emergency Services Commissioner.

An extract of the local planning framework is outlined in Attachment 6.1.7.

Attachment 6.1.8 is an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

A) Overview

Following an assessment of the Development Application (the revised information in Attachment 6.1.4 and the westerly alignment in Attachment 6.1.5) against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be conditionally suitable. It is accordingly recommended that Council conditionally approve this Development Application given:

- The number of take-offs and landings and the size of the proposed aircraft have been clarified. Importantly, the number of take-offs have been reduced from 365 per year to 120 per year along with a corresponding reduction in landings from 365 to 120 per year;
- The application does not conflict with LPS3 objectives;
- It is suggested the private airstrip should not detrimentally detract from the amenity of the local area including for noise, hours of operation, traffic, visual amenity, privacy, lighting and emissions;
- The revised proposal, now centrally located on the site, has setbacks of around 200 metres to the eastern boundary or around 220 metres to the closest off-site dwellings; and
- Development conditions can assist to reduce risks associated with the development.

While noting the above, the key issues with the application are outlined below. It is suggested that noise impacts and the potential resultant loss of amenity are the primary planning considerations when assessing the application.

B) Key issues

Noise & amenity

As outlined in Attachment 6.1.4, the applicant has:

- Supplied specifications on the aircraft to be used at the private airstrip which assists to better understand the noise output of the aircraft;
- Clarified the type and size of proposed aircraft to use the airstrip. The applicant requests approval to land aircraft that are classified as Light Aircraft under a Maximum Take Off Weight (MTOW) of under 5,700kg. As outlined in Attachment 6.1.4, the applicant has clarified the make and models of aircraft that are intended to land that fit within this classification;
- Provided information on legislation that regulates aircraft noise;
- Included acoustic expert advice on anticipated amenity impacts as a result of airstrip operations;
- Clarified details relating to regional local/regional flying; and
- Advised there is no proposal to perform/practice aerobatic activities from the property.

It is highlighted, at this stage, that no acoustic assessment has been prepared for the proposal on this site. The Council may determine that this is required prior to it assessing the Development Application.

The Shire administration acknowledges that there will be some noise and amenity impacts likely to be felt by surrounding residences as a result of the airstrip.

There is no State Government guiding separation distances for airstrips from sensitive land uses (such as dwellings). The local planning framework provides general guidance but not specific guidance to assist in guiding the determination of this Development Application.

To address the planning framework, including LPS3, the proposed private airstrip should not cause unacceptable noise impacts or loss of amenity to nearby residences. It is suggested that determining 'amenity' can be subjective and can be interpreted differently depending on an individual's viewpoints regarding environmental qualities. This is evidenced by a combination of acceptance, support and opposition for the proposed airstrip.

It is suggested that the health, well-being, amenity and safety of local residents and the environment should be suitably protected from the impacts of noise, air emissions, odour and other impacts through appropriate management and adequate separation distances. It is suggested that:

- Provided reasonable conditions are attached to any approval, including limiting flight numbers, timing of take-offs and landings and the size of the aircraft, the private airstrip use could proceed without causing unacceptable noise impacts or loss of amenity for surrounding residences;
- The revised proposal is considered to have far lower impacts than the original proposal. This includes that noise impacts are also lessened due to take-offs and landings in daylight hours;
- There is a maximum of 120 take-offs and 120 landings per year; and
- The noise source is limited to day time hours, is short in duration and affected parties are provided with substantial respite from this intrusion.

Monitoring flight numbers

Some submitters have concerns that the Shire will be unable to monitor the additional flights for compliance if approved. A condition is proposed to any approval requiring the applicant to keep a logbook of all flight activity from the airstrip. It is understood any pilot using the airstrip is required by law to maintain a flight logbook.

Commercial activity

Some submitters are concerned that the airstrip will be used for commercial purposes, or that the use is a precursor to future commercial development (joy flights, skydiving). The applicant confirms the airstrip is for private use only.

Safety

It is acknowledged that there is the possibility of a crash incident. It is also acknowledged that the applicant would take every precaution to ensure the risk of incident is minimised. The risk of plane crash incidents is not sufficient grounds to recommend that the Development Application be refused.

Flora and fauna impacts

Most of the proposed airstrip is located on cleared land. The airstrip will result in some clearing of native vegetation. While noting that development should seek where possible to avoid adverse impacts on environmental assets, where avoidance is not possible, the adverse impacts should be minimised. Ideally, there is no net loss in biodiversity assets. To assist in mitigating impacts, the applicant has supported

lodging a conservation covenant for an area of 2 hectares. The Council may also want the applicant to undertake additional planting of native vegetation in suitable locations.

The DBCA have been asked for their input relating to impacts (if any) on the quality of habitat and native fauna in the area. At the time of writing this report, the DBCA response had not been received.

It is suggested the proposed private airstrip is not likely to impact on native wildlife or domestic/stock animals any more than some 'as of right' land uses would such as farm machinery noise, motorbikes and plane overflights associated with aerial spraying. Wildlife moving throughout the area will have considerable respite from any take-off or landing noise with a maximum of 120 take-offs and 120 landings per year.

Impacts of water resources including the Blackwood River

The site adjoins the Blackwood River. There are accordingly concerns about the airstrip impacts on the Blackwood River, in particular from water runoff from the airstrip which may contain contaminants such as oils and fuels.

Subject to appropriate detailed stormwater designs and construction, the proposed airstrip is unlikely to detrimentally impact on surface water resources. The risk of runoff and contamination to the Blackwood River is considered manageable.

A condition is recommended requiring any fuel and oil storage associated with the airstrip use to be suitably and safely addressed to minimise risk of contamination.

Privacy

There is concern from some submitters regarding the loss of or intrusion on privacy by aircraft flying low over properties. Based on the revised airstrip alignment, the impacts on privacy are considered low.

During take-off and climb, it is suggested the pilot's primary focus is on instruments and flying the aircraft, not observing neighbouring properties. The altitude at which the planes fly, combined with the speeds at which the planes are travelling make particular details on neighbouring properties, including people, almost undetectable. For this reason, the impacts of privacy are likely to be negligible and has not been a substantial consideration during the assessment of this application.

Odour and emissions (excluding noise)

The use of the proposed airstrip will create modest levels of aircraft odour and emission impacts. Aircraft exhaust particles could settle on house roofs which then flow into rainwater tanks causing a health issue. It is suggested that it is unlikely that the exhaust from the aircraft would cause contamination of local water supplies however this may need to be monitored. An advice note is included in the Officer Recommendation regarding monitoring. There are risks/impacts from cars and trucks driving along the gravel roads in the area and other permitted rural uses involving machinery that could also pose contamination risks.

Fire risk

The applicant has not submitted a Bushfire Management Plan or a Bushfire Emergency Evacuation Plan. It is recommended a Bushfire Management Plan is prepared for the property.

Property devaluation

Some submitters are concerned the proposed airstrip will cause property valuations to fall. The potential for a development to devalue land is not a valid planning consideration. Notwithstanding this, the proposed use of the airstrip is not likely to have an unacceptable impact on amenity surrounding the subject site.

Use alternative airports

Some submitters suggest that the applicant should use established airports rather than this proposed new airstrip. Although there may be alternate locations to operate the proposed use, this is not sufficient grounds to recommend the application be refused, particularly considering the proposed development is not considered to conflict with LPS3. As discussed above, the Shire administration consider that the scale of the proposed use should not cause an unacceptable noise nuisance and loss of amenity to surrounding residents.

C) Conclusion and options

It is recommended that Council approve the Development Application subject to conditions. The Council could alternatively choose to defer making a decision on the matter and seek additional information or it may determine to refuse the Development Application.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Scheme) Regulations 2015, LPS3, along with Commonwealth legislation relating to aircraft use and safety including Air Navigation (Aircraft Noise) Regulations 2018.

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance.

POLICY IMPLICATIONS:

Local Planning Policy *LPP20 Developer and Subdivider Contributions* is a non-statutory document which is designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application. Additionally, there are various State Planning Policies which are relevant in assessing the

Development Application including *SPP2 Environment and Natural Resources*, *SPP2.5 Rural Planning 2.5* or *SPP3.7 Planning in Bushfire Prone Areas*.

FINANCIAL IMPLICATIONS:

The applicant has a Right of Review to the State Administrative Tribunal on the Council's decision.

STRATEGIC IMPLICATIONS:

The proposed private airstrip is considered generally consistent with the aims of the endorsed *Shire of Nannup Local Planning Strategy* and LPS3.

The property is zoned 'Agriculture' in the *Shire of Nannup Local Planning Scheme No. 3*, zoned 'Rural' in the draft *Shire of Nannup Local Planning Scheme No. 4* and classified as 'Rural Residential' in the *Shire of Nannup Local Planning Strategy*.

With changing State Government requirements, and landowner preferences, there is no guarantee the property will be approved and rezoned to 'Rural Residential'. There is still a requirement for relevant planning, bushfire, environmental and servicing considerations to be appropriately addressed.

In terms of assessing the Development Application, the document which has the most 'weight' is the *Shire of Nannup Local Planning Scheme No. 3*.

The applicant complies with various components of the Local Planning Strategy, while other components can be mitigated through development conditions in the recommendation. The following sets out relevant extracts of the Local Planning Strategy:

2.2 Objectives

- d) assist to broaden the economic and employment base of the Shire through greater diversification and promoting a resilient and increasingly robust economy;*
- e) promote agricultural activity as the key economic and social driver for the Shire;*
- g) ii) attract and retain people and businesses;*

2.3 Aims of Strategy

The local government aims to:

- a) attract and retain people and businesses;*
- b) support and promote a resilient local economy;*
- c) make the most of economic development opportunities by capitalising on the Shire's competitive advantages;*
- d) conserve land required for agricultural production and support opportunities for agricultural diversification and value adding;*

s6) require appropriate buffers for hazard and amenity as determined by the appropriate authorities for those land uses. Buffer distances are guided by the standards recommended by the Environmental Protection Authority (EPA) unless appropriately justified by the proponent to the satisfaction of the local government;

There are no EPA buffer standards for airstrips

The local government will:

C12) require appropriate buffers for rivers, watercourses and wetlands in LPS4, which will be determined based on the values of the environmental assets and proposed land uses. As a guide, the development setback from rivers, watercourses and wetlands is 100 metres which can be reduced to 50 metres based on the proposed development and a consideration of existing soil, landform and vegetation conditions.

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATION:

That Council approve the Development Application, set out in Attachment 6.1.5 (western 900 metre length alignment), for a private airstrip at Lot 2 on Diagram 70077 (No. 40), Rivergum Way, Darradup subject to the following conditions:

General

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two (2) years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed no further development is to be carried out.
2. The development hereby approved must be carried out in accordance with the plans and documentation set out in Attachment 6.1.4 and in Attachment 6.1.5 (western alignment), addressing all conditions, or otherwise amended by the local government and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.

Aircraft operations

3. A maximum of 120 take-offs and 120 landings are permitted per year.
4. The applicant must, for the life of the development, maintain a flight logbook, which contains records of all flight movements to and from the approved

airstrip, including visitor flights. Flight records must include the aircraft used, and the date in which the flight/s was carried out. At the request of the local government, the logbook must be made available to the local government for review.

5. Use of the airstrip is to Light Aircraft Classification with maximum take-off weight (MTOW) below 5,700 kilograms. Additionally, the airstrip is not used for commercial or recreational activities.
6. Operation of the private airstrip shall be restricted to daylight hours.
7. Any material likely to degrade water (e.g. fuels, oils, lubricants, solvents, coolants, degreasing agents etc.) must be stored within a bunded area, or an appropriately designed chemical storage container, suitable for preventing the escape of material into surface or underground water resources.
8. The airstrip and driveway are to be designed, constructed, sealed and drained prior to use of the airstrip by a suitably qualified engineer to the satisfaction of the local government.
9. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*.
10. The use of the site must not adversely affect the amenity of the locality by reason of noise.

Stormwater drainage/water quality

11. Prior to commencement of any works, a Stormwater Management Plan shall be submitted for approval by the local government and thereafter implemented and maintained to the satisfaction of the local government. Amongst matters, the Plan should:
 - (a) Ensure that all stormwater from the airstrip and other impervious areas are collected, detained and suitably treated on site for the 1 in 1 year, 1 hour average recurrence interval (ARI) storm event;
 - (b) Address surface water management for larger 1 in 20 year and 1 in 50 year storm events to prevent stormwater causing soil erosion on the application site, on neighbouring properties and on public infrastructure; and
 - (c) Be designed in accordance with the *Stormwater Management Manual for Western Australia*.
12. Any aircraft wash down area/s is to be located so as to prevent the discharge of sediment, contaminants or wastewater to waterways or watercourses.
13. An emergency spill containment kit must be kept on site at all times and used when a spill occurs to prevent the escape of any contaminants off-site.

Managing fire risks

14. The applicant shall prepare and implement a Bushfire Management Plan to the satisfaction of the local government prior to the use of the airstrip.
15. The development is to be provided with a source of water for fire-fighting purposes of not less than 50,000 litres. This may be satisfied by the provision of an accessible dam or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm Camlock fitting. The outlet from the tank water supply or the dam shall be located in an accessible position.
16. No flight take-off or landings are to occur on days where either a Total Fire Ban or a Harvest and Vehicle Movement Ban has been declared for the Shire of Nannup.

Environmental management

17. The applicant lodges a Conservation Covenant under the *Soil and Land Conservation Act 1945*, to the Soil Commissioner, prior to the commencement of site works. The applicant is to provide written evidence of the registration to the local government.
18. No native vegetation shall be removed in the construction of the private airstrip, unless permitted by a clearing licence or permit issued by the Department of Water and Environmental Regulation.

ADVICE

- A) The Shire has no plans in the foreseeable future to seal Rivergum Way between Lot 2 (No. 40) Rivergum Way and Helyar Road.
- B) The property is entirely located in an area which has been declared as bushfire prone by the Fire and Emergency Services Commissioner. The applicant is advised to prepare and implement an Emergency Management and Evacuation Plan prior to occupation. The applicant should also take all practical steps to minimise the risk of bushfires and provide a fire fighting unit.
- D) The applicant is encouraged to prepare a Works Safety Plan prior to the commencement of operations which is then appropriately implemented.
- E) The applicant should retain appropriate Public Liability Insurance to cover the entire area the subject of this approval.
- F) The applicant is encouraged to work with nearby residents who may be concerned with aircraft emissions impacting water quality into their rainwater tanks. This could include financially contributing to an independent assessment of water quality in tanks prior to the airstrip use commencing and monitoring after two years of operations.

- G) If the applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Procedural Motion:

21008 BROWN/STEVENSON

That voting be deferred until a site specific acoustic assessment can be undertaken.

PROCEDURAL MOTION LOST (3/5)

Voted for motion: Cr Brown, Cr Stevenson, Cr Corlett

Voted against motion: Cr Dean, Cr Buckland, Cr Mellema, Cr Hansen, Cr Fraser

Voting on the original Officer Recommendation:

21009 BUCKLAND/HANSEN

ORIGINAL MOTION LOST (3/5)

Voted for recommendation: Cr Buckland, Cr Hansen, Cr Brown

Voted against: Cr Stevenson, Cr Mellema, Cr Fraser, Cr Dean, Cr Corlett

Council refuse the Development Application, set out in Attachment 6.1.5 (for both the western and eastern alignments), for a private airstrip at Lot 2 on Diagram 70077 (No. 40), Rivergum Way, Darradup for the following reasons:

- 1. The applicant has not sufficiently demonstrated, through a site specific noise assessment by a qualified acoustic consultant, that predicted noise levels from the airstrip operation will retain suitable amenity for adjoining and nearby residents.***
- 2. The Development Application does not appropriately address matters set out in Clause 67(m) and (n) of Schedule 2 – Deemed provisions for local planning schemes of the Planning and Development (Local Planning Schemes) Regulations 2015 given the potential for off-site noise impacts and the associated potential for land use conflict and a loss of character in the locality.***
- 3. The Development Application is inconsistent with the Shire of Nannup Local Planning Scheme No. 3 aims in clause 1.6.2(d) to “achieve compatibility between land uses” and the objectives for the Agriculture***

Zone in clause 3.13.1.1(a) “To preserve the rural character and setting of the zone”.

- 4. The application is inconsistent with the Shire of Nannup Local Planning Strategy including Strategy 23 to “encourage the retention of native vegetation and correspondingly restrict inappropriate clearing of native vegetation on privately owned land so that the biodiversity and landscape values of the Shire are maintained and enhanced”.**

ADVICE

If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

7. CLOSURE OF MEETING

The Shire President declared the meeting closed at 6.19 pm.

Register of Delegated Development Approvals

Application Number	Owner's Name	Applicant's Name	Assessment Number	Property Address	Type of Development	Works or Use	Proposed cost of development	Date Received	Advertised	Issue Date	Authority
2020/38	Grimbeek Family Trust Pty Ltd	Melo Velo	A224	Lot 2 (8) Warren Rd, Nannup	Additional use (holiday home)	Use	\$5,000	20/11/2020	Yes - 2 weeks	14/12/2020	Delegated - CEO
2020/39	Kurt Malzer	Kurt Malzer	A652	Lot 1 (450) Jalbarragup Rd, Jalbarragup	Oversize outbuilding	Works & Use	\$5,000	25/11/2020	No - no affected neighbours	7/12/2020	Delegated - CEO
2020/41	David Dyson	David Dyson	A1627	Lot 509 (15) McAlpine Mews, Nannup	Single dwelling (R Codes)	Works & Use	\$161,000	14/12/2020	No - neighbours contacted directly	18/12/2020	Delegated - CEO

Attachment 12.2.1

SHIRE OF NANNUP - ACCOUNTS FOR PAYMENT

January 2021

* Please note that most Fire, Road, Economic and Community Expenditure are funded externally.

The following figures are inclusive of GST where applicable

Chq/EFT	Date	Name	Description	Amount
EFT13218	15/01/2021	JP REPAIRS	Mechanical Repairs	\$ 1,230.50
EFT13219	15/01/2021	DEPARTMENT OF PREMIER AND CABINET	Firebreak Notice	\$ 993.78
EFT13220	15/01/2021	NANNUP SKIP BINS	Supply of Skip Bins	\$ 190.00
EFT13221	15/01/2021	SOUTHERN LOCK & SECURITY	Quarterly alarm monitoring fee	\$ 140.43
EFT13222	15/01/2021	NANNUP PHARMACY	Bandages for first aid kit.	\$ 10.98
EFT13223	15/01/2021	ARBOR GUY	Tree pruning by roads	\$ 9,020.00
EFT13224	15/01/2021	SURVCON PTY LTD	Sport marking ready for road marking.	\$ 2,612.50
EFT13225	15/01/2021	DRACOM SERVICES	Six months support Everything Nannup	\$ 250.00
EFT13226	15/01/2021	SCOPE BUSINESS IMAGING	Monthly service maintenance	\$ 15.51
EFT13227	15/01/2021	SOS OFFICE EQUIPMENT	Monthly service maintenance	\$ 702.32
EFT13228	15/01/2021	OFFICEWORKS	Stationery	\$ 251.19
EFT13229	15/01/2021	BUSSELTON CIVIL & PLANT	Road maintenance	\$ 385.00
EFT13230	15/01/2021	NANNUP HOT BREAD SHOP	Catering for Christmas party	\$ 31.50
EFT13231	15/01/2021	REDGATE LIME	Limestone for road maintenance	\$ 1,687.50
EFT13232	15/01/2021	LEANNE WHITE	Holiday programme	\$ 250.00
EFT13233	15/01/2021	CHUBB FIRE & SECURITY	Servicing of Fire Hidrant.	\$ 1,025.74
EFT13234	15/01/2021	NANNUP LIQUOR STORE	Refreshments for Christmas party	\$ 588.71
EFT13235	15/01/2021	PRIME MEDIA GROUP	Advertising	\$ 209.00
EFT13236	15/01/2021	FAIRTEL PTY LTD	NBN Broadband	\$ 154.00
EFT13237	15/01/2021	ST JOHN AMBULANCE (WA)	Leisure Kit	\$ 294.47
EFT13238	15/01/2021	BLACKWOOD CAFE	Information Services for Nannup	\$ 8,250.00
EFT13239	15/01/2021	THE CHILDREN'S BOOK COUNCIL OF AUSTRALIA WA BRANCH (INC)	Library book membership	\$ 75.00
EFT13240	15/01/2021	SOUTHERN FORESTS BLACKWOOD VALLEY TOURISM ASSOCIATION	Grant Contribution	\$ 2,200.00
EFT13241	15/01/2021	CB TRAFFIC SOLUTIONS PTY LTD	Traffic control for Arborish	\$ 3,217.50
EFT13242	15/01/2021	LLEW WITHERS	Survey	\$ 4,000.00
EFT13243	15/01/2021	WATERMAN IRRIGATION	Tourism Promotion	\$ 17,101.15
EFT13244	15/01/2021	FRONTLINE TECHNOLOGY SERVICES PTY LTD	Computer maintenance	\$ 1,886.50
EFT13246	15/01/2021	ARCHER & SONS FUNERAL HOME	Return of bond	\$ 200.00
EFT13247	15/01/2021	ARROW BRONZE	Memorial plaque	\$ 240.08
EFT13248	15/01/2021	AUSTRALIAN COMMUNICATION AND MEDIA AUTHORITY	Licence	\$ 114.00
EFT13249	15/01/2021	MICHAEL JUSTINE ADEANE	Rates refund	\$ 548.50
EFT13250	15/01/2021	BUSSELTON PEST & WEED CONTROL	Treatment of bees	\$ 110.00
EFT13251	15/01/2021	D & J COMMUNICATIONS	Repairs to andt damaged radio	\$ 851.40
EFT13252	15/01/2021	DO YOUR BLOCK CONTRACTING	Pathway preparation for Brockman Road	\$ 3,190.00
EFT13253	15/01/2021	NANNUP GARDEN VILLAGE COMMITTEE	Australia Day	\$ 600.00
EFT13254	15/01/2021	NANNUP NEWSAGENCY	Bins	\$ 665.65
EFT13255	15/01/2021	NANNUP COMMUNITY RESOURCE CENTRE	Community Business management fee	\$ 2,750.00
EFT13256	15/01/2021	PRESTIGE PRODUCTS	Australia Day	\$ 2,392.03
EFT13257	15/01/2021	SW PRECISION PRINT	Famly Fun day poster	\$ 275.00
EFT13258	15/01/2021	SUGAR MOUNTAIN ELECTRICAL SERVICES	Building maintenance	\$ 3,252.63
EFT13259	15/01/2021	SHIRE OF MANJIMUP	Computer maintenance	\$ 3,717.96
EFT13260	15/01/2021	WORTHY CONTRACTING	32 Loads of Gravel delivered for Pathway Red Rd 2	\$ 10,137.60
EFT13261	15/01/2021	WOODLANDS DISTRIBUTORS & AGENCIES	Consumables	\$ 137.50
EFT13263	25/01/2021	BROOKS HIRE	Loader Hire	\$ 4,835.16
EFT13264	25/01/2021	JAN FORSYTH	Rates refund	\$ 68.50
EFT13265	25/01/2021	CRAIG BRAND DAWSON	Rates refund	\$ 439.10
EFT13266	27/01/2021	AUSTRALIA POST	Postage	\$ 6.31
EFT13267	27/01/2021	JP REPAIRS	Repairs and maintenance	\$ 865.00
EFT13268	27/01/2021	NANNUP SKIP BINS	Skip Bin Service	\$ 190.00
EFT13269	27/01/2021	NANNUP PHARMACY	Consumables	\$ 55.98
EFT13270	27/01/2021	EDGE PLANNING & PROPERTY	Town planning December	\$ 3,417.70
EFT13271	27/01/2021	JC PLUMBING & GAS PTY LTD	Annual backflow	\$ 385.00
EFT13272	27/01/2021	DEAN GUJA	EHO monthly invoice	\$ 2,541.00
EFT13273	27/01/2021	COVS PARTS PTY LTD	Vehicle maintenace	\$ 485.23

EFT13274	27/01/2021	PICKLE & O	Catering for discovery sessions with Jack in the Box	\$ 261.00
EFT13275	27/01/2021	RADROCK ADVENTURES	Radrock Climbing wall dual bungee	\$ 3,300.00
EFT13276	27/01/2021	CITY & REGIONAL FUELS	Diesel fuel	\$ 2,950.73
EFT13277	27/01/2021	NANNUP DELI	Consumables	\$ 353.95
EFT13278	27/01/2021	OFFICEWORKS	Desk top computer for SES	\$ 1,658.31
EFT13279	27/01/2021	REDGATE LIME	Supply limestone	\$ 1,556.25
EFT13280	27/01/2021	REGIONAL DEVELOPMENT AUSTRALIA - SOUTH WEST INC	Community Profiling	\$ 275.00
EFT13281	27/01/2021	VASSE CIVIL & DRAINAGE	Culvert repairs	\$ 43,772.30
EFT13282	27/01/2021	CHRISTINE EDWARDS	Holiday programme	\$ 308.00
EFT13283	27/01/2021	ICON AWARDS AND ENGRAVING SERVICES	Australia Day	\$ 35.80
EFT13284	27/01/2021	NICOLE BOTICA	Reimbursement	\$ 79.95
EFT13285	27/01/2021	PREMIUM PUBLISHERS	Advertising	\$ 475.48
EFT13286	27/01/2021	SUSAN FITCHAT	Reimbursement	\$ 90.00
EFT13287	27/01/2021	JOMAR (WA) PTY LTD	Bridge maintenance	\$ 38,016.00
EFT13288	27/01/2021	NEVE CONTRACTING	Construction of Tank 7 & 8 - Milestone 3	\$ 36,359.00
EFT13289	27/01/2021	DAIMLER TRUCKS PERTH	Purchase of Prime Mover and Tiper trailer - less trade-ins	\$ 163,113.59
EFT13290	27/01/2021	INTERFIRE AGENCIES PTY LTD TTF THE LOVETT FAMILY TRUST	Equipment - VBFB	\$ 269.02
EFT13291	27/01/2021	ALZHEIMER'S WA	Alzheimer's WA workshops	\$ 3,850.00
EFT13292	27/01/2021	G & S GHASSEB DRAFTING	Nannup Rec Centre Town hall drawings	\$ 5,000.00
EFT13293	27/01/2021	CB TRAFFIC SOLUTIONS PTY LTD	Road maintenance	\$ 3,036.00
EFT13294	27/01/2021	ONE SHADE SAILS PTY LTD	Flagpole and installation	\$ 3,113.00
EFT13295	27/01/2021	NANNUP HARDWARE & AGENCIES	Scott River - VBFB	\$ 2,037.02
EFT13296	27/01/2021	JACK IN THE BOX CORPORATION PTY LTD	Marketing Strategy	\$ 31,205.90
EFT13297	27/01/2021	SOGGYBONES PTY LTD	Holiday programme	\$ 2,810.00
EFT13298	27/01/2021	AUSTRALIAN TAXATION OFFICE - BAS - ATO	BAS - December 2020	\$ 42,637.00
EFT13299	27/01/2021	BUNNINGS- BUSSELTON	Consumables	\$ 944.36
EFT13300	27/01/2021	BUSSELTON PEST & WEED CONTROL	White ant inspection	\$ 5,192.00
EFT13301	27/01/2021	DO YOUR BLOCK CONTRACTING	Pathway production	\$ 1,540.00
EFT13302	27/01/2021	JASON SIGNMAKERS	Signage for pathway	\$ 903.68
EFT13303	27/01/2021	LOCAL GOVERNMENT PROFESSIONALS AUSTRALIA WA	Membership subscription	\$ 531.00
EFT13304	27/01/2021	NAPA AUTO PARTS	Vehicle maintenace	\$ 295.30
EFT13305	27/01/2021	NANNUP NEWSAGENCY	Monthly account	\$ 622.40
EFT13306	27/01/2021	NANNUP EZIWAY SELF SERVICE STORE	Refreshments.	\$ 415.52
EFT13307	27/01/2021	NANNUP BOWLING CLUB	Hall hire	\$ 67.50
EFT13308	27/01/2021	NANNUP COMMUNITY RESOURCE CENTRE	Holiday programme	\$ 165.00
EFT13310	27/01/2021	FULTON HOGAN INDUSTRIES PTY LTD	Sealing of roads	\$ 68,112.66
EFT13311	27/01/2021	WORTHY CONTRACTING	Road maintenance	\$ 2,851.20
EFT13312	29/01/2021	LORRAINE LEARMOND	Reimbursement	\$ 170.00
EFT13313	29/01/2021	FERVOUR CORPORATE ENTERTAINMENT	Holiday programme	\$ 539.00
TOTAL EFT PAYMENTS				\$ 568,157.53

20495	15/01/2021	SHIRE OF NANNUP	Vehicle licensing	\$ 121.35
20496	15/01/2021	TELSTRA	Phone account	\$ 950.85
20497	18/01/2021	NANNUP NEWSAGENCY	Float	\$ 200.00
TOTAL CHEQUE PAYMENTS				\$ 1,272.20

Direct Debit	Date	Name	Description	Amount
DD11012.1	13/01/2021	AWARE SUPER	Superannuation contributions	\$ 6,164.90
DD11012.2	13/01/2021	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Superannuation contributions	\$ 2,012.86
DD11012.3	13/01/2021	HOSTPLUS SUPER	Superannuation contributions	\$ 691.87
DD11012.4	13/01/2021	AMG SUPER	Superannuation contributions	\$ 526.85
DD11012.5	13/01/2021	PRIME SUPER	Superannuation contributions	\$ 247.80
DD11012.6	13/01/2021	ONEPATH MASTERFUND	Superannuation contributions	\$ 161.63
DD11012.7	13/01/2021	JOLLEY SUPERANNUATION FUND	Superannuation contributions	\$ 66.69
DD11012.8	13/01/2021	AUSTRALIAN SUPER	Superannuation contributions	\$ 526.02
DD11012.9	13/01/2021	MARITIME SUPER	Superannuation contributions	\$ 82.71

DD11035.1	27/01/2021	AWARE SUPER	Superannuation contributions	\$ 5,334.12
DD11035.2	27/01/2021	WA LOCAL GOVERNMENT SUPERANNUATION PLAN	Superannuation contributions	\$ 1,685.97
DD11035.3	27/01/2021	HOSTPLUS SUPER	Superannuation contributions	\$ 550.61
DD11035.4	27/01/2021	JOLLEY SUPERANNUATION FUND	Superannuation contributions	\$ 98.95
DD11035.5	27/01/2021	AMG SUPER	Superannuation contributions	\$ 425.06
DD11035.6	27/01/2021	PRIME SUPER	Superannuation contributions	\$ 207.08
DD11035.7	27/01/2021	ONEPATH MASTERFUND	Superannuation contributions	\$ 213.07
DD11035.8	27/01/2021	AUSTRALIAN SUPER	Superannuation contributions	\$ 425.46
DD11035.9	27/01/2021	MARITIME SUPER	Superannuation contributions	\$ 60.79
DD11042.1	29/01/2021	SYNERGY	Superannuation contributions	\$ 2,906.41
DD11012.10	13/01/2021	SUNSUPER SUPERANNUATION	Superannuation contributions	\$ 353.95
DD11035.10	27/01/2021	SUNSUPER SUPERANNUATION	Superannuation contributions	\$ 267.83
DD11042.2	29/01/2021	WESTERN AUSTRALIAN TREASURY CORPORATION	Loan 37 and 39 Capital and Interest	\$ 6,744.61
DD11042.3	29/01/2021	BP AUSTRALIA	Monthly Fuel	\$ 203.47
DD11042.4	29/01/2021	BOC LIMITED	Monthly Gas	\$ 77.63
DD11042.5	29/01/2021	CALTEX AUSTRALIA	Monthly Fuel	\$ 115.76
DD11042.6	29/01/2021	WESTNET	ADSL	\$ 69.90
DD11042.7	29/01/2021	WATER CORPORATION	Water account	\$ 4,415.16
DD11042.8	29/01/2021	TELSTRA	Telephone account	\$ 788.31
DD11042.9	29/01/2021	CLEANAWAY	Bins - Domestic and Recycling	\$ 8,131.16
DD11050.1	01/01/2021	TOLL TRANSPORT PTY LTD	Freight	\$ 1,038.13
DD11042.10	29/01/2021	AUSSIE BROADBAND - DIRECT DEBIT	NBN	\$ 168.00
DD11042.11	29/01/2021	TOLL TRANSPORT PTY LTD	Freight	\$ 1,440.29
DD11042.12	29/01/2021	SGFLEET	Monthly lease - SES	\$ 1,198.98
DD11042.13	29/01/2021	GO GO MEDIA * DIRECT DEBIT*	Monthly on hold	\$ 75.90
DD11042.14	29/01/2021	CALL ASSOCIATES PTY LTD - INSIGHT & CONNECT	Overcalls	\$ 449.02
DD11042.15	29/01/2021	MAIA FINANCIAL PTY LTD	Computer lease	\$ 1,624.81
			Direct Debit	\$ 49,551.76

TOTAL PAYMENTS JANUARY 2021	
Municipal Payments	\$ 618,981.49
Trust Payments	
	\$ 618,981.49

SHIRE OF NANNUP			
CREDIT CARD PAYMENTS - JANUARY 2021			
	Supplier	Description	Amount
CEO CREDIT CARD			
05.01.21	BM PRICHODKO PTY LTD	President meeting	\$ 9.00
08.01.21	POST OFFICE NANNUP	Promotional Brochure	\$ 86.10
08.01.21	NUMBAT ORG	LDAG project	\$ 1,186.00
19.01.21	MELO VELO CAFÉ	President meeting	\$ 63.80
25.01.21	WOOLWORTHS ONLINE	Australiaa Day consumables	\$ 84.00
27.01.21	NETREGISTRY	Domain	\$ 39.80
28.01.21	ASIC	Business name - Experience Nannup WA	\$ 87.00
31.12.20	LIBERTY OIL	Fuel for CEO vehicle	\$ 114.35
			\$ 1,670.05

Attachment 12.3.1



MONTHLY FINANCIAL REPORT (Containing the Statement of Financial Activity) For the Period Ended 31 January 2021

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) REGULATIONS 1996

TABLE OF CONTENTS

Monthly Summary Information	2 - 3
Statement of Financial Activity by Program	4
Statement of Financial Activity By Nature or Type	5
Statement of Capital Acquisitions and Capital Funding	6
Note 1 Significant Accounting Policies	7 - 10
Note 2 Explanation of Material Variances	11 - 13
Note 3 Net Current Funding Position	14
Note 4 Cash and Investments	15
Note 5 Budget Amendments	16
Note 6 Receivables	17
Note 7 Cash Backed Reserves	18
Note 8 Capital Disposals	19
Note 9 Rating Information	20
Note 10 Information on Borrowings	21
Note 11 Grants and Contributions	22
Note 12 Trust	23
Note 13 Details of Capital Acquisitions	24

Shire of Nannup
Information Summary
For the Period Ended 31 January 2021

Key Information

Report Purpose

This report is prepared to meet the requirements of *Local Government (Financial Management) Regulations 1996, Regulation 34*.

Overview

Summary reports and graphical progressive graphs are provided on pages 2 - 3.

Note: Financial year end audit process has not been finalised.
Therefore the surplus accrual figure could vary once complete

Statement of Financial Activity by reporting program

Is presented on page 3 and shows a surplus as at 31 January 2021 of \$3,062,534.

Items of Significance

The material variance adopted by the Shire of Nannup for the 2020-21 year is \$30,000 or 10% whichever is the greater. The following selected items have been highlighted due to the amount of the variance to the budget or due to the nature of the revenue/expenditure. A full listing and explanation of all items considered of material variance is disclosed in Note 2.

Capital Expenditure

	% Collected / Completed	Annual Budget	YTD Budget	YTD Actual
Significant Projects				
Grants, Subsidies and Contributions				
Operating Grants, Subsidies and Contributions	53%	-\$ 2,827,674	-\$ 3,571,372	-\$ 1,511,793
Non-operating Grants, Subsidies and Contributions	17%	-\$ 779,530	-\$ 779,530	-\$ 130,000
	46%	-\$ 3,607,204	-\$ 4,350,902	-\$ 1,641,793
Rates Levied	100%	\$ 1,774,610	\$ 1,774,610	\$ 1,774,940

% Compares current ytd actuals to annual budget

Financial Position		This Time Last Year	Current Year to Date	Note
Adjusted Net Current Assets	121%	\$ 2,526,794	\$ 3,062,533	3
Cash and Equivalent - Unrestricted		\$ 2,228,073	\$ 3,065,455	3 & 4
Receivables - Rates	114%	\$ 547,171	\$ 621,900	3 & 6
Receivables - Other	86%	\$ 119,564	\$ 102,990	3 & 6
Payables	6%	\$ 89,839	\$ 5,358	3

% Compares current ytd actuals to prior year actuals at the same time

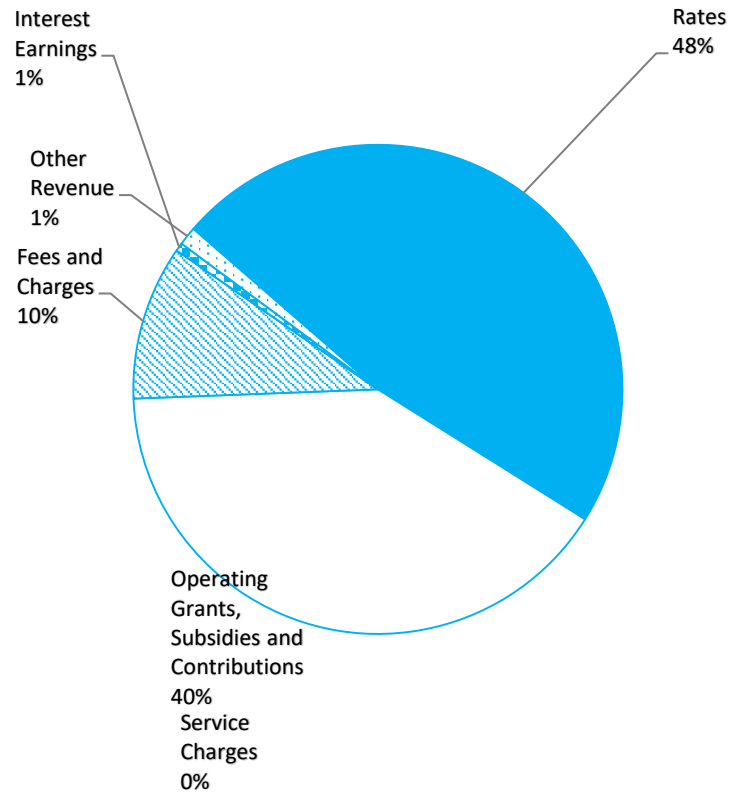
Note: The Statements and accompanying notes are prepared based on all transactions recorded at the time of preparation and may vary due to transactions being processed for the reporting period after the date of preparation.

Preparation

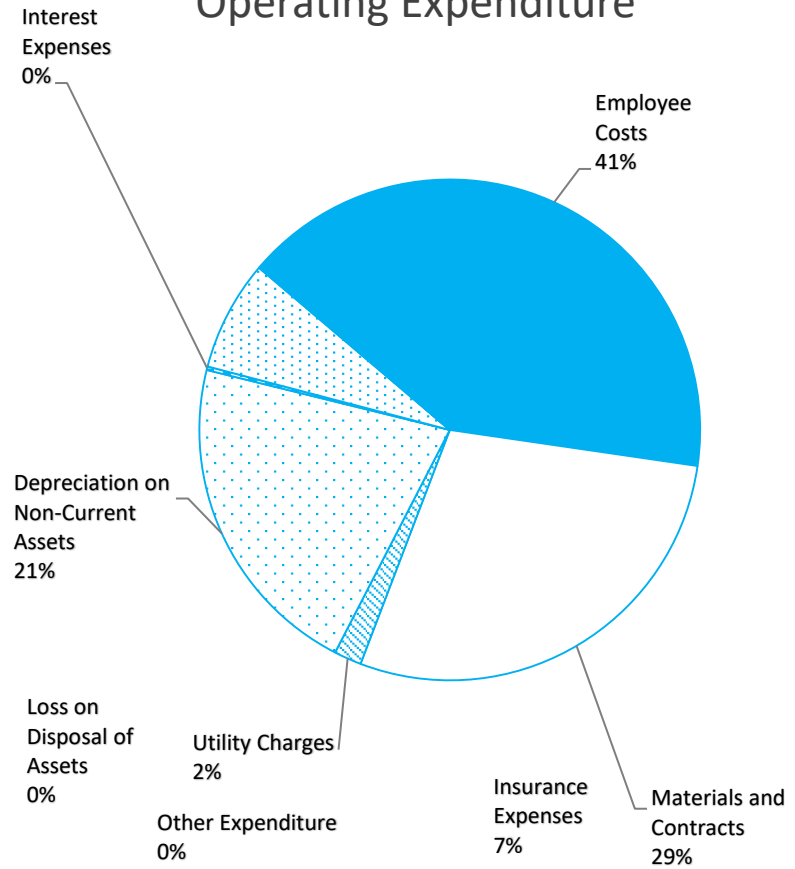
Prepared by: Susan Fitchat
Reviewed by: David Taylor
Date prepared: 22/02/2021

Shire of Nannup
Information Summary
For the Period Ended 31 January 2021

Operating Revenue



Operating Expenditure



SHIRE OF NANNUP
STATEMENT OF FINANCIAL ACTIVITY
(Statutory Reporting Program)
For the Period Ended 31 January 2021

	Note	Original Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus(Deficit)		2,337,941	2,337,941	2,259,183	(78,758)	(3%)	
Revenue from operating activities							
Governance		160	79	0	(79)	(100%)	
General Purpose Funding - Rates	9	1,774,610	1,774,610	1,774,940	330	0%	
General Purpose Funding - Other		693,351	404,455	366,545	(37,910)	(9%)	
Law, Order and Public Safety		353,732	206,344	304,294	(97,950)	(47%)	
Health		16,470	9,608	11,476	(1,869)	(19%)	
Education and Welfare		51,136	29,829	671	(29,158)	(98%)	
Housing		20,000	11,667	12,000	333	3%	
Community Amenities		368,328	214,858	311,640	(96,782)	(45%)	
Recreation and Culture		22,160	12,927	33,626	20,699	160%	
Transport		119,108	69,480	118,654	(49,174)	(71%)	
Economic Services		1,723,290	1,005,253	798,032	(207,221)	(21%)	
Other Property and Services		1,500	875	2,690	1,815	207%	
		5,143,845	3,739,983	3,734,567			
Expenditure from operating activities							
Governance		(683,879)	(398,929)	(239,680)	159,250	40%	
General Purpose Funding		(166,620)	(97,195)	(87,640)	9,555	10%	
Law, Order and Public Safety		(919,938)	(536,631)	(401,989)	134,642	25%	
Health		(88,486)	(51,617)	(42,138)	9,479	18%	
Education and Welfare		(193,906)	(113,112)	(110,473)	2,639	2%	
Housing		(44,599)	(26,016)	(12,946)	13,070	50%	
Community Amenities		(519,793)	(303,213)	(294,580)	8,633	3%	
Recreation and Culture		(520,324)	(303,522)	(320,316)	(16,794)	(6%)	
Transport		(1,924,463)	(1,122,603)	(1,062,975)	59,629	5%	
Economic Services		(1,787,710)	(1,042,831)	(468,038)	574,793	55%	
Other Property and Services		(280,510)	(163,631)	(23,099)	140,532	86%	
		(7,130,228)	(4,159,300)	(3,063,872)			
Financing Costs							
Community Amenities			0	(6,065)	(6,065)		
		0	0	(6,065)			
Operating activities excluded from budget							
Add back Depreciation		1,015,968	592,648	559,910	(32,738)	(6%)	
Adjust (Profit)/Loss on Asset Disposal	8	10,099	5,891	(53,135)	(59,026)	(1002%)	
Less movement in contract liabilities associated with restricted cash		(46,881)					
Adjust Provisions and Accruals		20,000	20,000	51,604	31,604	158%	
		(987,197)	199,222	1,223,009			
Investing Activities							
Non-Operating Grants, Subsidies and Contributions	11	779,530	454,726	130,000	(324,726)	(71%)	
Proceeds from Disposal of Assets	8	30,000	17,500	223,636	206,136	1178%	
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(619,437)	(361,338)	(5,500)	355,838	98%	
Infrastructure Assets - Roads	13	(622,840)	(363,323)	(299,783)	63,540	17%	
Infrastructure Assets - Public Facilities	13	(18,000)	(10,500)	0	10,500	100%	
Infrastructure Assets - Footpaths	13	(49,853)	(29,081)	(70)	29,011	100%	
Infrastructure Assets - Drainage	13	0	0	0	0		
Plant and Equipment	13	(714,090)	(416,553)	(421,958)	(5,406)	(1%)	
Furniture and Equipment	13	(59,000)	(34,417)	(26,907)	7,510	22%	
		(1,273,690)	(742,986)	(400,582)			
Financing Activities							
Loan Repayments Capital	10	(76,953)	(44,889)	(44,614)	275	(1%)	
Proceeds from new borrowings			0	0	0		
Self-Supporting Loan Principal	10	39,399	22,983	25,538	2,556	11%	
Transfer from Reserves	7	200,000	116,667	0	(116,667)	(100%)	
Transfer to Reserves	7	(239,500)	(139,708)	0	139,708	100%	
		(77,054)	(44,948)	(19,076)			
Closing Funding Surplus(Deficit)	3	(0)	1,749,229	3,062,534			

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold. Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF NANNUP
STATEMENT OF FINANCIAL ACTIVITY
(By Nature or Type)
For the Period Ended 31 January 2021

	Note	Original Budget	YTD Budget (a)	YTD Actual (b)	Var. \$ (b)-(a)	Var. % (b)-(a)/(a)	Var.
		\$	\$	\$	\$	%	
Opening Funding Surplus (Deficit)		2,337,941	2,337,941	2,259,183	(78,758)	(3%)	
Revenue from operating activities							
Rates	9	1,774,610	1,774,610	1,774,940	330	0%	
Operating Grants, Subsidies and Contributions	11	2,827,674	1,649,477	1,511,793	(137,683)	(8%)	
Fees and Charges		439,733	256,511	381,651	125,140	49%	▲
Service Charges		0	0	0	0		
Interest Earnings		31,044	18,109	20,483	2,374	13%	
Other Revenue		70,784	41,277	45,699	4,423	11%	
		5,143,845	3,739,983	3,734,567			
Expenditure from operating activities							
Employee Costs		(2,023,759)	(1,180,526)	(1,076,749)	(103,777)	(9%)	
Materials		(3,700,843)	(2,158,825)	(750,063)	(1,408,762)	(65%)	▼
Contracts			0	(491,233)	491,233		
Utility Charges		(105,718)	(61,669)	(46,675)	(14,994)	(24%)	
Depreciation on Non-Current Assets		(1,015,968)	(592,648)	(559,910)	(32,738)	(6%)	
Interest Expenses		(11,851)	(6,913)	(6,065)	(848)	(12%)	
Insurance Expenses		(195,320)	(113,937)	(187,650)	73,713	65%	▲
Other Expenditure		(66,670)	(38,891)	(4,728)	(34,163)	(88%)	▼
(Profit)/Loss on Sale of Assets		(10,099)	(5,891)	53,135	(59,026)	(1002%)	
		(7,130,228)	(4,159,300)	(3,069,937)			
Operating activities excluded from budget							
Add back Depreciation		1,015,968	592,648	559,910	(32,738)	(6%)	
Adjust (Profit)/Loss on Asset Disposal	8	10,099	5,891	(53,135)	(59,026)	(1002%)	▼
Less movement in contract liabilities associated with restricted cash		(46,881)					
Adjust Provisions and Accruals		20,000	20,000	51,604	31,604	158%	▲
		(987,197)	199,222	1,223,009			
Amount attributable to operating activities							
Investing activities							
Non-Operating Grants, Subsidies and Contributions	11	779,530	454,726	130,000	(324,726)	(71%)	▼
Proceeds from Disposal of Assets	8	30,000	17,500	223,636	206,136	1178%	▲
Land Held for Resale		0	0	0	0		
Land and Buildings	13	(619,437)	(361,338)	(5,500)	355,838	98%	▲
Infrastructure Assets - Roads	13	(622,840)	(363,323)	(299,783)	63,540	17%	▲
Infrastructure Assets - Public Facilities	13	(18,000)	(10,500)	0	10,500	100%	▲
Infrastructure Assets - Footpaths	13	(49,853)	(29,081)	(70)	29,011	100%	▲
Infrastructure Assets - Drainage	13	0	0	0	0		
Plant and Equipment	13	(714,090)	(416,553)	(421,958)	(5,406)	(1%)	
Furniture and Equipment	13	(59,000)	(34,417)	(26,907)	7,510	22%	▲
		(1,273,690)	(742,986)	(400,582)			
Amount attributable to investing activities							
Financing Activities							
Loan Repayments Capital	10	(76,953)	(44,889)	(44,614)	275	(1%)	
Proceeds from new borrowings			0	0			
Self-Supporting Loan Principal	10	39,399	22,983	25,538	2,556	11%	
Transfer from Reserves	7	200,000	116,667	0	(116,667)	(100%)	▼
Transfer to Reserves	7	(239,500)	(139,708)	0	139,708	100%	▲
		(77,054)	(44,948)	(19,076)			
Amount attributable to financing activities							
Closing Funding Surplus (Deficit)	3	(0)	1,749,229	3,062,534	1,313,304	75%	▲

Indicates a variance between Year to Date (YTD) Budget and YTD Actual data as per the adopted materiality threshold.
Refer to Note 2 for an explanation of the reasons for the variance.

This statement is to be read in conjunction with the accompanying Financial Statements and notes.

SHIRE OF NANNUP
STATEMENT OF CAPITAL ACQUISITIONS AND CAPITAL FUNDING
For the Period Ended 31 January 2021

Capital Acquisitions

	Note	YTD Actual New /Upgrade (a)	YTD Actual (Renewal Expenditure) (b)	YTD Budget (d)	Annual Budget	YTD Actual Total (c) = (a)+(b)	Variance (d) - (c)
		\$	\$	\$	\$	\$	\$
Land and Buildings	13	0	(5,500)	(302,865)	(605,730)	(5,500)	297,365
Infrastructure Assets - Roads	13	(299,853)	0	(311,420)	(622,840)	(299,783)	11,637
Infrastructure Assets - Public Facilities	13	0	0	(15,854)	(31,707)	0	15,854
Infrastructure Assets - Footpaths	13	0	0	(24,927)	(49,853)	(70)	24,856
Infrastructure Assets - Drainage	13	0	0	0	0	0	0
Plant and Equipment	13	(421,958)	0	(357,045)	(714,090)	(421,958)	(64,913)
Furniture and Equipment	13	(26,907)	0	(29,500)	(59,000)	(26,907)	32,093
Capital Expenditure Totals		(748,718)	(5,500)	(1,041,610)	(2,083,220)	(754,218)	316,892
Capital acquisitions funded by:							
Capital Grants and Contributions				(265,170)	(265,170)	(275,503)	
Borrowings				0	0	0	
Other (Disposals & C/Fwd)				17,500	30,000	0	
Council contribution - Cash Backed Reserves							
Asset Management Reserve		0	0	\$894,958	0	0	(894,958)
Plant Replacement Reserve		0	0	\$605,405	0	0	(605,405)
Council contribution - operations				(2,294,303)	(1,848,050)	(478,715)	
Capital Funding Total				(1,041,610)	(2,083,220)	(754,218)	

Capital



SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 1: Significant Accounting Policies

(a) Basis of Accounting

This statement comprises a special purpose financial report which has been prepared in accordance with Australian Accounting Standards (as they

Critical Accounting Estimates

The preparation of a financial report in conformity with Australian Accounting Standards requires management to make judgements, estimates and

(b) The Local Government Reporting Entity

All Funds through which the Council controls resources to carry on its functions have been included in this statement. In the process of reporting on

(c) Rounding Off Figures

All figures shown in this statement are rounded to the nearest dollar.

(d) Rates, Grants, Donations and Other Contributions

Rates, grants, donations and other contributions are recognised as revenues when the local government obtains control over the assets comprising

(e) Goods and Services Tax

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the

(f) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, cash at bank, deposits available on demand with banks and other short term highly liquid

(g) Trade and Other Receivables

Trade and other receivables include amounts due from ratepayers for unpaid rates and service charges and other amounts due from third parties for Receivables expected to be collected within 12 months of the end of the reporting period are classified as current assets. All other receivables are

(h) Inventories

General

Inventories are measured at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of

Land Held for Resale

Land held for development and sale is valued at the lower of cost and net realisable value. Cost includes the cost of acquisition, development,

(i) Fixed Assets

All assets are initially recognised at cost. Cost is determined as the fair value of the assets given as consideration plus costs incidental to the

(j) Depreciation of Non-Current Assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of

Depreciation is recognised on a straight-line basis, using rates which are reviewed each reporting period. Major depreciation rates and periods are:

Asset	Years	Method
Buildings	20 to 100 years	Straight Line
Furniture and Equipment	4 to 20 years	Straight Line
Plant and Equipment	5 to 20 years	Straight Line
Sealed Roads		
formation	not depreciated	
pavement	80 years	Straight Line
seal		
bituminous seals	34 years	Straight Line
asphalt surfaces	43 years	Straight Line
Gravel Roads		
formation	not depreciated	
pavement	80 years	Straight Line
Formed roads		
formation	not depreciated	
pavement	80 years	Straight Line
Footpaths - slab	50 to 60 years	Straight Line
Kerbs	100 years	Straight Line
Parks & Gardens	50 to 75 years	Straight Line
Water Supply Piping and Draing Systems	75 to 130 years	Straight Line
Bridges	90 to 110 years	Straight Line

(k) Trade and Other Payables

Trade and other payables represent liabilities for goods and services provided to the Council prior to the end of the financial year that are unpaid and

(l) Employee Benefits

The provisions for employee benefits relates to amounts expected to be paid for long service leave, annual leave, wages and salaries and are

(i) *Wages, Salaries, Annual Leave and Long Service Leave (Short-term Benefits)*

The provision for employees' benefits to wages, salaries, annual leave and long service leave expected to be settled within 12 months represents the

(ii) *Annual Leave and Long Service Leave (Long-term Benefits)*

The liability for long service leave is recognised in the provision for employee benefits and measured as the present value of expected future

(m) Interest-bearing Loans and Borrowings

All loans and borrowings are initially recognised at the fair value of the consideration received less directly attributable transaction costs. After initial

Borrowings are classified as current liabilities unless the Council has an unconditional right to defer settlement of the liability for at least 12 months

Borrowing Costs

Borrowing costs are recognised as an expense when incurred except where they are directly attributable to the acquisition, construction or

(n) Provisions

Provisions are recognised when: The council has a present legal or constructive obligation as a result of past events; it is more likely than not that an

(o) Current and Non-Current Classification

In the determination of whether an asset or liability is current or non-current, consideration is given to the time when each asset or liability is

(p) Nature or Type Classifications**Rates**

All rates levied under the Local Government Act 1995. Includes general, differential, specific area rates, minimum rates, interim rates, back rates, ex-

Operating Grants, Subsidies and Contributions

Refer to all amounts received as grants, subsidies and contributions that are not non-operating grants.

Non-Operating Grants, Subsidies and Contributions

Amounts received specifically for the acquisition, construction of new or the upgrading of non-current assets paid to a local government, irrespective

Profit on Asset Disposal

Profit on the disposal of assets including gains on the disposal of long term investments. Losses are disclosed under the expenditure classifications.

Fees and Charges

Revenues (other than service charges) from the use of facilities and charges made for local government services, sewerage rates, rentals, hire

Service Charges

Service charges imposed under Division 6 of Part 6 of the Local Government Act 1995. Regulation 54 of the Local Government (Financial

Interest Earnings

Interest and other items of a similar nature received from bank and investment accounts, interest on rate instalments, interest on rate arrears and

Other Revenue / Income

Other revenue, which can not be classified under the above headings, includes dividends, discounts, rebates etc.

Employee Costs

All costs associate with the employment of person such as salaries, wages, allowances, benefits such as vehicle and housing, superannuation,

Materials and Contracts

All expenditures on materials, supplies and contracts not classified under other headings. These include supply of goods and materials, legal

Utilities (Gas, Electricity, Water, etc.)

Expenditures made to the respective agencies for the provision of power, gas or water. Exclude expenditures incurred for the reinstatement of

Insurance

All insurance other than worker's compensation and health benefit insurance included as a cost of employment.

Loss on asset disposal

Loss on the disposal of fixed assets.

Depreciation on non-current assets

Depreciation expense raised on all classes of assets.

Interest expenses

Interest and other costs of finance paid, including costs of finance for loan debentures, overdraft accommodation and refinancing expenses.

Other expenditure

Statutory fees, taxes, provision for bad debts, member's fees or State taxes. Donations and subsidies made to community groups.

(r) Program Classifications (Function/Activity)

Shire of Nannup operations as disclosed in these financial statements encompass the following service orientated activities/programs.

GOVERNANCE**Objective:**

To provide a decision making process for the efficient allocation of scarce resources.

Activities:

Administration and operation of facilities and services to members of council; other costs that relate to the tasks of assisting elected members and

GENERAL PURPOSE FUNDING**Objective:**

To collect revenue to allow for the provision of services.

Activities:

Rates, general purpose government grants and interest revenue.

LAW, ORDER, PUBLIC SAFETY**Objective:**

To provide services to help ensure a safer community.

Activities:

Supervision of various by-laws, fire prevention, emergency services and animal control.

HEALTH**Objective:**

To provide an operational framework for good community health.

Activities:

Food quality, building sanitation and sewage.

EDUCATION AND WELFARE**Objective:**

To provide services to disadvantaged persons, the elderly, children and youth.

Activities:

Operation of pre-school, provision of youth support.

HOUSING**Objective:**

Help ensure adequate housing.

Activities:

Maintenance of staff and rental housing.

COMMUNITY AMENITIES**Objective:**

To provide services required by the community.

Activities:

Rubbish collection services, operation of tip, noise control, administration of the town planning scheme, maintenance of cemetery and maintenance

RECREATION AND CULTURE**Objective:**

To establish and effectively manage infrastructure and resource which will help the social well being of the community.

Activities:

Maintenance of halls, recreation centre and various reserves; operation of library.

TRANSPORT**Objective:**

To provide effective and efficient transport services to the community.

Activities:

Construction and maintenance of streets, roads, bridges; cleaning of streets, depot maintenance.

ECONOMIC SERVICES**Objective:**

To help promote the shire and its economic wellbeing.

Activities:

Assistance to tourism, area promotion, building control, noxious weeds, vermin control.

OTHER PROPERTY AND SERVICES**Objective:**

To accurately allocate plant and labour costs across the various programs of Council.

Activities:

Private works operations, plant repairs and operations costs.

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 2: Explanation of Material Variances

The material variance thresholds are adopted annually by Council as an indicator of whether the actual expenditure or revenue varies from the year to date budget materially.

The material variance adopted by Council for the 2020-21 year is \$30,000 or 10% whichever is the greater.

Reporting Program	Budget YTD	Actual YTD	Variance	var %	Timing/ Permanent	Explanation of Variance
Revenue from operating activities						
Governance	\$ 79	\$ -	-\$ 79		(1) Within threshold	
General Purpose Funding - Rates	\$ 1,774,610	\$ 1,774,940	\$ 330		0% Within threshold	
General Purpose Funding - Other	\$ 404,455	\$ 366,545	-\$ 37,910		-9% Timing	FAGS grant received for the quarter
Law, Order and Public Safety	\$ 206,344	\$ 304,294	\$ 97,950		47% Permanent	Grant Fire Nitigation funding - Budget Review
Health	\$ 9,608	\$ 11,476	\$ 1,869		19% Timing	Fees for the year issued September
Education and Welfare	\$ 29,829	\$ 671	-\$ 29,158		(1) Permanent	Income adjustment from prior year
Housing	\$ 11,667	\$ 12,000	\$ 333		3% Within threshold	
Community Amenities	\$ 214,858	\$ 311,640	\$ 96,782		45% Timing	Bin fees issued in September
Recreation and Culture	\$ 12,927	\$ 33,626	\$ 20,699		160% Timing	Local activity grant received
Transport	\$ 69,480	\$ 118,654	\$ 49,174		71% Timing	Regional roads group grant received
Economic Services	\$ 1,005,253	\$ 798,032	-\$207,221		-21% Timing	Drought grant funding
Other Property and Services	\$ 875	\$ 2,690	\$ 1,815		207% Timing	Private works income
Expenditure from operating activities	\$ 3,739,983	\$ 3,734,567				
Governance	(398,929)	(239,680)	159,250		40% Timing	Wages and Councillor fees
General Purpose Funding	(97,195)	(87,640)	9,555		10% Within threshold	
Law, Order and Public Safety	(536,631)	(401,989)	134,642		25% Timing	Fire and Animal control costs, should even out dur
Health	(51,617)	(42,138)	9,479		18% Timing	Health inspection wages in arrears
Education and Welfare	(113,112)	(110,473)	2,639		2% Within threshold	
Housing	(26,016)	(12,946)	13,070		50% Timing	Staff housing maintenance
Community Amenities	(303,213)	(294,580)	8,633		3% Within threshold	
Recreation and Culture	(303,522)	(320,316)	(16,794)		-6% Timing	Rec Centre and Parks and Gardens
Transport	(1,122,603)	(1,062,975)	59,629		5% Timing	Profit on sale of assets
Economic Services	(1,042,831)	(468,038)	574,793		55% Timing	Drought funding to be expensed
Other Property and Services	(163,631)	(23,099)	140,532		86% Permanent	Admin overhead costs allocated to programs
	(4,159,300)	(3,063,872)				
Financing Costs						
Community Amenities	0	6,065			Within threshold	
		6,065				
Operating activities excluded from budget						
Add back Depreciation	592,648	559,910	(32,738)		(6%) Timing	Depreciaton to be reviewed - Budget Review
Adjust (Profit)/Loss on Asset Disposal	5,891	(53,135)	(59,026)		(1002%) Permanent	Trade in of Scania Trucks -Profit
Less movement in contract liabilities associated with restricted cash						
Adjust Provisions and Accruals	20,000	51,604	31,604		158% Permanent	Leave accrual movement
Amount attributable to operating activities	199,222	1,235,139				
Investing Activities						
Non operating grants	454,726	130,000	(324,726)		(71%) Timing	Pending grant funding
Proceeds from Disposal of Assets	17,500	223,636	206,136		1178% Permarnnet	Refer to Budget Review
Land Held for Resale	0	0	0			
Land and Buildings	(361,338)	(5,500)	355,838		98% Timing	Projects in progress
Infrastructure Assets - Roads	(363,323)	(299,783)	63,540		17% Timing	Projects in progress
Infrastructure Assets - Public Facilities	(10,500)	-	10,500		100% Timing	Projects in progress
Infrastructure Assets - Footpaths	(29,081)	(70)	29,011		100% Timing	Projects in progress
Infrastructure Assets - Drainage	0	-	0			
Plant and Equipment	(416,553)	(421,958)	(5,406)		(1%) Within threshold	
Furniture and Equipment	(34,417)	(26,907)	7,510		22% Within threshold	Projects in progress
Amount attributable to investing activities	(742,986)	(400,582)				
Financing Activities						
Loan Repayments Capital	(44,889)	(44,614)	275		(1%) Within threshold	

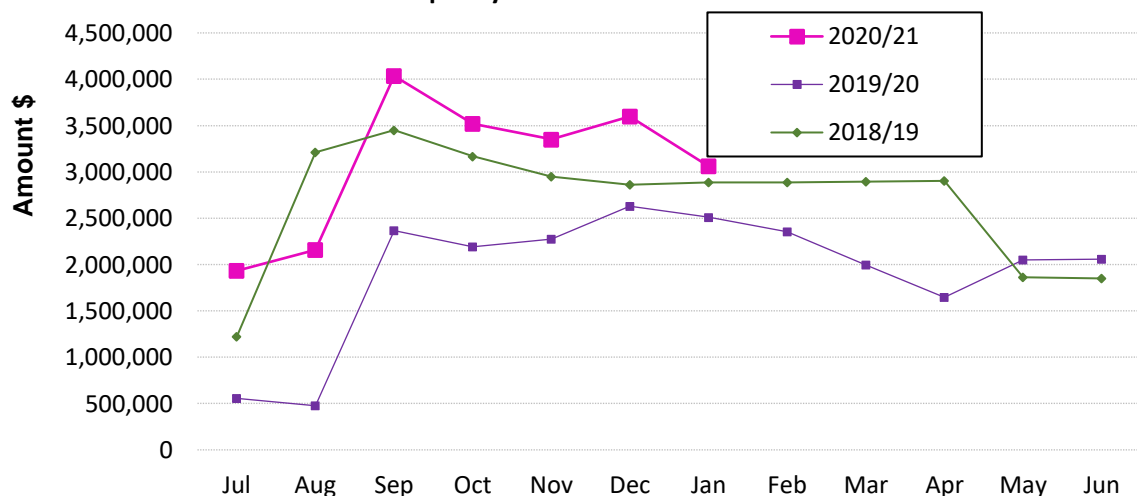
SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 3: Net Current Funding Position

Positive=Surplus (Negative=Deficit)

	Note	Last Years Closing 30 June 2020 \$	This Time Last Year 31 Jan 2020 \$	Current 31 Jan 2021 \$
Current Assets				
Cash Unrestricted	4	2,202,905	2,228,073	2,399,477
<i>Cash Restricted:</i>				
Bonds, deposits and collections		55,938	49,299	22,661
Conditions over Grants	11	46,881	20,393	0
Cash Restricted Reserve Accounts	4	3,065,456	2,623,344	3,065,456
Receivables - Rates & Rubbish		191,527	547,171	621,900
Receivables - Other	6	103,478	119,564	102,990
Self supporting loans		41,978		41,979
Interest / ATO Receivable	6	32,199	15,149	59,776
Inventories		28,686	146,023	28,685
		5,769,048	5,749,016	6,342,924
Less: Current Liabilities				
Payables		(89,839)	(68,911)	(5,358)
Bonds deposits and collections		(55,938)	(49,299)	(22,661)
Provisions		(335,825)	(334,474)	(284,221)
		(481,602)	(452,684)	(312,240)
Less:				
Cash Reserves	7	(3,065,456)	(2,623,344)	(3,065,456)
Cash Conditions over Grants		(46,881)	(20,393)	0
YAC Committee		(16,250)	(16,250)	(16,250)
ATO Liability		(57,808)	(47,194)	(51,505)
Rates Received in Advance		(14,124)	(14,124)	(14,124)
Loans current		(76,953)	(48,234)	(57,878)
		(3,277,473)	(2,769,539)	(3,205,214)
Adjustments:				
Deferred rates post audit		12,146		
Net current asset		237,063	0	237,063
		249,209	0	237,063
		2,259,183	2,526,794	3,062,533

Note 3 - Liquidity Over the Year



Comments - Net Current Funding Position includes Cash, Current Assets and Current Liabilities

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 4: Cash and Investments

	Unrestricted	Restricted	Trust	Total Amount	Institution	Interest Rate	Maturity Date
	\$	\$	\$	\$			
(a) Cash Deposits							
Municipal Bank Account	914,274			914,274	CBA	Tiered	At Call
Reserve Bank Account		463,343		463,343	CBA	Tiered	At Call
Trust Bank Account			27,365		CBA	Tiered	At Call
Cash On Hand				0	N/A	Nil	On Hand
(b) Term Deposits							
Municipal	509,839			509,839	WPC	2.20%	11-May-21
Municipal - At call	1,000,000			1,000,000	CBA	0.90%	At Call
Reserves		2,602,112		2,602,112	WPC	2.22%	11-May-21
Total	2,424,113	3,065,455	27,365	5,489,568			

Comments/Notes - Investments

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 5: Budget Amendments

Amendments to original budget since budget adoption. Surplus/(Deficit)
 Budget Review occurs between January and March, and then Budget review items
 will be presented below

GL Code	Description	Council Resolution	Classification	Non Cash Adjustment	Increase in Available Cash	Decrease in Available Cash	Amended Budget Running Balance
				\$	\$	\$	\$
	Budget Adoption						
	Opening budget surplus	19100	Opening Surplus(Deficit)				
	Surplus brought forward amendment	19168	Opening Surplus(Deficit)				
	Expenditure and Income Net from Original Budget						

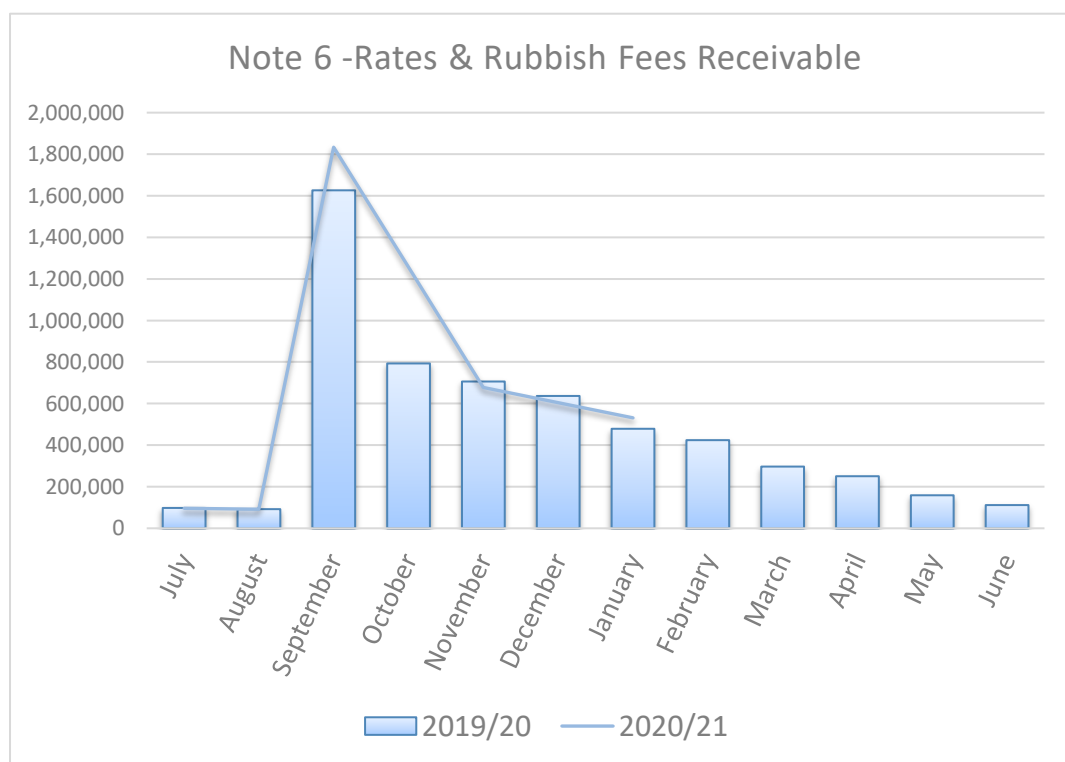
SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 6: Receivables

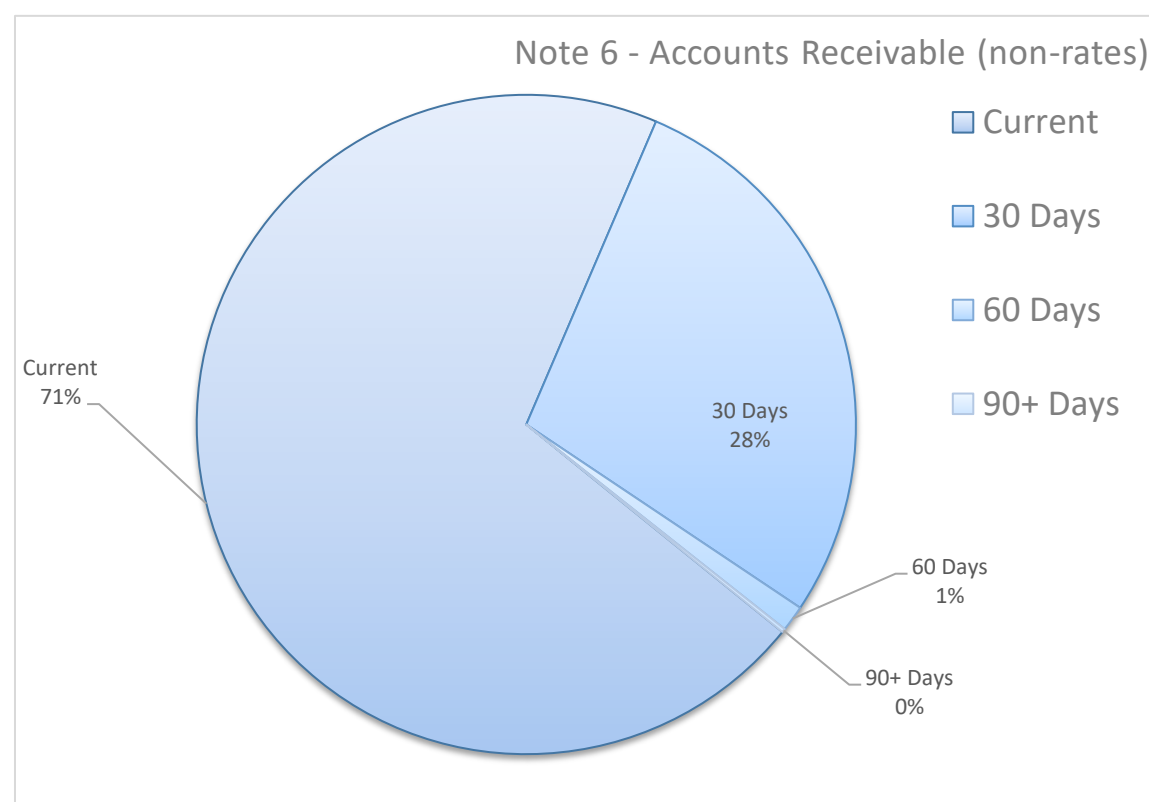
Receivables - Rates Receivable <i>Rates Only</i>	31 Jan 2021	30/06/2020
	\$	\$
Opening Arrears Previous Years	123,887	113,453
Levied this year	1,774,940	1,772,136
<u>Less</u> Collections to date	(1,367,665)	(1,761,702)
Equals Current Outstanding	531,162	123,887
Net Rates Collectable	531,162	123,887
% Collected	77.05%	93.43%

Receivables - General	Current	30 Days	60 Days	90+ Days	90+Days
	\$	\$	\$	\$	\$
Receivables - General	72,721	28,778	1,306	185	102,990
Balance per Trial Balance					
Sundry Debtors					102,990
Receivables - Other					101,755
Total Receivables General Outstanding					204,745

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Comments/Notes - Receivables Rates

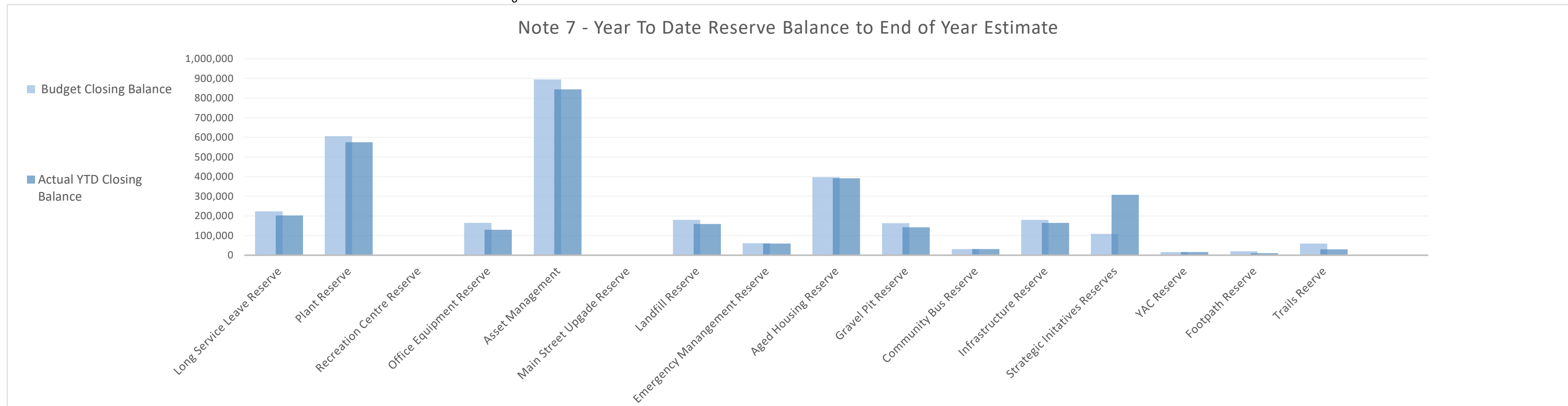
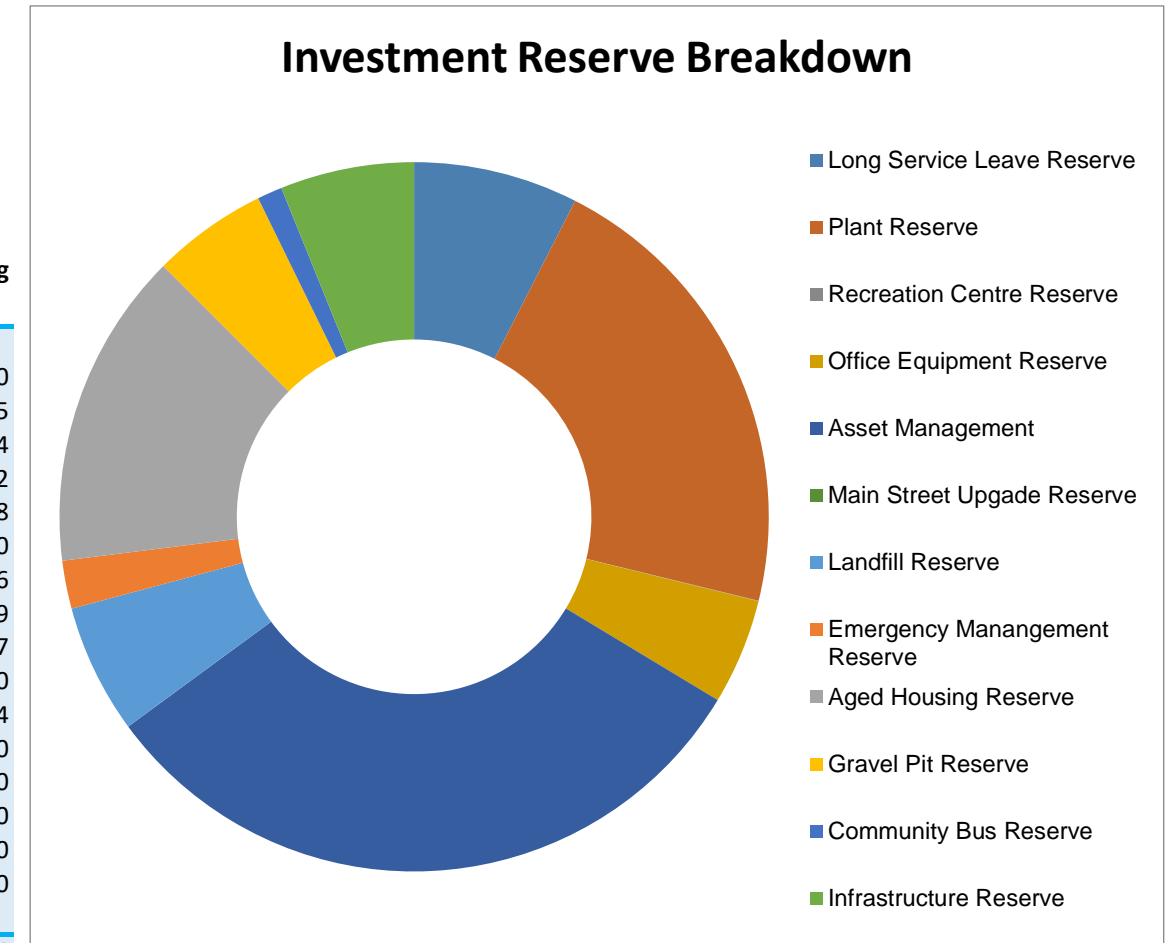


Comments/Notes - Receivables General

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 7: Cash Backed Reserve

Name	Opening Balance 1/7/2020	Budget Interest Earned	Actual Interest Earned	Budget Transfers In (+)	Actual Transfers In (+)	Budget Transfers Out (-)	Actual Transfers Out (-)	Budget Closing Balance	Actual YTD Closing Balance
	\$	\$	\$	\$	\$	\$	\$	\$	\$
Long Service Leave Reserve	202,700	0	0	20,000		0	0	222,700	202,700
Plant Reserve	575,405	0	0	30,000		0	0	605,405	575,405
Recreation Centre Reserve	574	0	0	0		0	0	574	574
Office Equipment Reserve	130,092	0	0	35,000		0	0	165,092	130,092
Asset Management	844,958	0	0	50,000		0	0	894,958	844,958
Main Street Upgrade Reserve	60	0	0	0		0	0	60	60
Landfill Reserve	159,376	0	0	20,000		0	0	179,376	159,376
Emergency Manangement Reserve	59,299	0	0	2,000		0	0	61,299	59,299
Aged Housing Reserve	391,037	0	0	6,500		0	0	397,537	391,037
Gravel Pit Reserve	142,000	0	0	21,000		0	0	163,000	142,000
Community Bus Reserve	30,704	0	0	0		0	0	30,704	30,704
Infrastructure Reserve	165,000	0	0	15,000		0	0	180,000	165,000
Strategic Initatives Reserves	308,000	0	0	0		(200,000)	0	108,000	308,000
YAC Reserve	16,250	0	0	0		0	0	16,250	16,250
Footpath Reserve	10,000	0	0	10,000		0	0	20,000	10,000
Trails Reerve	30,000	0	0	30,000		0	0	60,000	30,000
	3,065,456	0	0	239,500	0	(200,000)	0	3,104,956	3,065,456



SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 8: Disposal of Assets

Asset Number	Asset Description	Budget				Actual			
		Net Book Value	Proceeds	Profit	(Loss)	Net Book Value *	Proceeds	Profit	(Loss)
		\$	\$	\$	\$	\$	\$	\$	\$
	Plant and Equipment								0
P179	Toyota Prado	\$ 40,099.0	\$ 30,000.0		\$ 10,099.0				
P265	Toyota Hilux Workmate 4x4					\$ 33,451.0	\$ 29,090.9		-\$ 4,360.0
P182	Toyota fortuner 2.8LDSL					\$ 40,400.5	\$ 40,000.0		-\$ 400.5
P252	Truck Scania NP3005					\$ 47,205.2	\$ 77,272.7	\$ 30,067.5	
P253	Truck Scania NP3003					\$ 49,444.8	\$ 77,272.7	\$ 27,827.9	
		40,099	30,000	0	10,099	170,502	223,636	57,895	(4,761)

* Net book value is the value less depreciation

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 9: Rating Information	Rate in	Number of Properties	Rateable Value	YTD Actual			Budget				
				Rate Revenue	Interim Rates	Back Rates	Total Revenue	Rate Revenue	Interim Rate	Back Rate	Total Revenue
RATE TYPE	\$		\$	\$	\$	\$	\$	\$	\$	\$	\$
Differential General Rate											
GRV	8.8980	396	6,733,680	599,163	212	-93	599,282	599,094			599,094
UV	0.4638	249	129,427,000	600,283	2,211		602,494	598,951	0	0	598,951
Sub-Totals		645	136,160,680	1,199,446	2,423	-93	1,201,777	1,198,045	0	0	1,198,045
Minimum Payment	Minimum \$										
GRV	1,013.00	341		345,433	0	0	345,433	345,433	0	0	345,433
UV	1,133.00	201		227,732	0	0	227,732	231,132	0	0	231,132
Sub-Totals		542	0	573,165	0	0	573,165	576,565	0	0	576,565
		1,187	136,160,680	1,772,611	2,423	(93)	1,774,942	1,774,610	0	0	1,774,610
Concession							0				0
Amount from General Rates							1,774,942				1,774,610
Ex-Gratia Rates							0				0
Specified Area Rates							0				0
Totals							1,774,942				1,774,610

Comments - Rating Information

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 10: Information on Borrowings

(a) Debenture Repayments

Particulars	01 Jul 2020	New Loans	Principal Repayments		Principal Outstanding		Interest Repayments	
			Actual	Budget	Actual	Budget	Actual	Budget
			\$	\$	\$	\$	\$	\$
Community amenities								
Waste Facility Machine Loan 40	370,000		(17,434)	-34976	352,566	335,024	-1,683	-4,480
Nannup Community esource centre Loan 37	14,626		(11,319)	-14626	3,307	0	-354	-369
Nannup Music Club Loan 39a	238,030		(15,862)	-27351	222,168	210,679	-4,176	-7,002
	622,656	0	(44,614)	(76,953)	578,042	545,703	(6,213)	(11,851)
All debenture repayments were financed by general purpose revenue.								
Self supporting loan income Loan 37				9,677				
Self supporting loan income Loan 39A				15,861				
Total SSL principal receipts				25,538				

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 11: Grants and Contributions

	Grant Provider	Type	Opening	Budget		YTD	Annual	Amended	Expected (d)+(e)	YTD Actual		Unspent	
			Balance (a)	Operating (b)	Capital	Budget (a)+(b)	Budget (d)	Budget (e)		Revenue	(Expended) (c)	Grant (a)+(b)+(c)	
				\$	\$	\$				\$	\$	\$	
General Purpose Funding													
	Grants Commission - General Equalisation	WALGGC	operating	(420,035)	(407,940)	0	(827,975)	(407,940)		(407,940)	(206,802)	206,802	0
	Grants Commission - Roads	WALGGC	operating	(276,782)	(214,526)	0	(491,308)	(214,526)		(214,526)	(109,776)	109,776	0
Law, Order and Public Safety													
0703	FESA LEVY DFES	Dept. of Fire & Emergency Serv.	Operating - Tied	0	(144,780)	0	(144,780)	(144,780)		(144,780)	(82,697)	82,697	0
0784	Bushfire Mitigation Works	Dept. of Fire & Emergency Serv.	Operating - Tied	0	(110,750)	0	(110,750)	(110,750)		(110,750)	(182,645)	182,645	0
	963 Grant FESA - SES	Dept. of Fire & Emergency Serv.	Operating - Tied	0	(5,640)	0	(5,640)	(5,640)		(5,640)	(10,161)	10,161	0
	704 CESM MOA Grant	Dept. of Fire & Emergency Serv.	Operating	0	(85,000)	0	(85,000)	(85,000)		(85,000)	(20,240)	20,240	0
	0963 DFES Capital Grant	Dept. of Fire & Emergency Serv.	Non-operating	0	0	0	0	0		0	0	0	0
	0746 Shed Grant Funding	Dept. of Fire & Emergency Serv.	Non-operating	0	0	(262,730)	(262,730)	(262,730)		(262,730)	0	0	0
Education and Welfare													
	3664 Grants - Community Bus	Contributions	Operating	0	0	0	0	0		0	0	0	0
	1133 Local Drug Action Group	Local Drug Action Group	Operating	0	(35,448)	0	(35,448)	(35,448)		(35,448)	(85)	85	0
	1123 Community Development Grants	Various, Dep of Retional Dev	Operating	0	(5,000)	0	(5,000)	(5,000)		(5,000)	0	0	0
	1123 Community Development Grants	Local Gov Sports and Recreation	Operating	0	0	0	0	0		0	0	0	0
	1123 Community Development Grants (inc Trails)	Lotterywest	Operating - Tied	0	0	0	0	0		0	0	0	0
	1653 Seniors	Department of Communities	Operating - Tied	0	(4,000)	0	(4,000)	(4,000)		(4,000)	0	0	0
	1153 Family Fun Day	Various	Operating	0	0	0	0	0		0	(2,500)	0	0
Economic Services													
	Economic Development	Contributions	Operating	0	0	0	0	0		0	(732,309)	732,309	0
	3834 Economic Development	Economic Development Grant	Operating	(46,881)	(1,690,640)	0	(1,737,521)	(1,643,759)		(1,643,759)	0	0	0
	4274 Other Economic Services	Australia Day Grant	Operating	0	0	0	0	0		0	(21,000)	0	0
Recreation and Culture													
	2733 Grants - Recreation and Culture	WA Police Force	Operating	0	0	0	0	0		0	(25,000)	25,000	0
	Grants - Libraries	Good Things Foundation	Operating	0	(5,073)	0	(5,073)	(5,073)		(5,073)	0	0	0
Transport													
	Roads To Recovery Grant - Cap	Roads to Recovery	Non-operating	0	0	(306,800)	(306,800)	(306,800)		(306,800)	0	0	0
	MRD Grants	Regional Road Group	Operating	0	(118,877)	0	(118,877)	(118,877)		(118,877)	(118,580)	118,580	0
	Grant - Regional Road Group	Regional Road Group	Non-operating	0	0	(210,000)	(210,000)	(210,000)		(210,000)	(130,000)	130,000	0
				(743,698)	(2,827,674)	(779,530)	(4,350,902)	(3,560,323)	0	(3,560,323)	(1,641,793)	1,618,293	0
SUMMARY													
	Operating	Operating Grants, Subsidies and Contributions		(743,698)	(2,562,504)	0	(3,306,202)	(2,515,623)	0	(2,515,623)	(1,236,290)	1,212,790	0
	Operating - Tied	Tied - Operating Grants, Subsidies and Contributions		0	(265,170)	0	(265,170)	(265,170)	0	(265,170)	(275,503)	275,503	0
	Non-operating	Non-operating Grants, Subsidies and Contributions		0	0	(779,530)	(779,530)	(779,530)	0	(779,530)	(130,000)	130,000	0
TOTALS				(743,698)	(2,827,674)	(779,530)	(4,350,902)	(3,560,323)	0	(3,560,323)	(1,641,793)	1,618,293	0

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

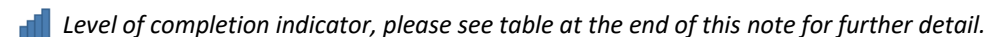
















Note 12: Trust Fund

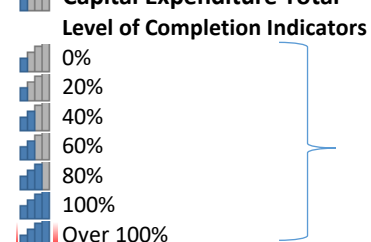
Funds held at balance date over which the Shire has no control and which are not included in this statement are as follows:

Description	Opening Balance 01 Jul 2020	Amount Received	Amount Paid	Closing Balance 31 Jan 2021
	\$	\$	\$	\$
BCITF Levy	758	(4,848)	3,544	2,062
BRB Levy	1,074	(8,550)	6,710	2,915
Bonds	22,218	(650)	0	22,868
Nomination Deposit	0	0	0	0
Donation Rec Centre Deposit	0	0	0	0
Nannup Community Bus	0	0	0	0
Trust accrued Expenses	0	0	0	0
	24,050	(14,048)	10,254	27,845.10

SHIRE OF NANNUP
NOTES TO THE STATEMENT OF FINANCIAL ACTIVITY
For the Period Ended 31 January 2021

Note 13: Capital Acquisitions

Assets	Account	YTD Actual			Budget			Strategic Reference / Comment
		New/Upgrade	Renewal	Total YTD	Annual Budget	YTD Budget	YTD Variance	
		\$	\$	\$	\$	\$	\$	
								
Buildings								
Economic Services								
 Town LRCI Funding Expenditure	4026	0	5,500	5,500	343,000	0	5,500	
Housing Total		0	5,500	5,500	343,000	0	5,500	
Law, Order And Public Safety								
 Buildings	0754	0	0	0	0	0	0	
 SES Capital Upgrade	0954	0	0	0	262,730	0	0	
Law, Order And Public Safety Total		0	0	0	262,730	0	0	
Transport Total		0	0	0	0	0	0	
Buildings Total		0	5,500	5,500	605,730	0	5,500	
Furniture & Office Equip.								
Governance								
 Shire Offices	0584	26,907	0	26,907	59,000	0	26,907	
Governance Total		26,907	0	26,907	59,000	0	26,907	
Recreation And Culture								
 BLANK		0	0	0	0	0	0	
Recreation And Culture Total		0	0	0	0	0	0	
Transport								
 BLANK		0	0	0	0	0	0	
Transport Total		0	0	0	0	0	0	
Furniture & Office Equip. Total		26,907	0	26,907	59,000	0	26,907	
Plant , Equip. & Vehicles								
Governance								
 Vehicle purchases - Office Staff	0544	65,330	0	65,330	58,000	58,000	7,330	
Governance Total		65,330	0	65,330	58,000	58,000	7,330	
Law, Order And Public Safety								
 Ses Equipment	0744	0	0	0	5,950	5,950	(5,950)	
 BLANK		0	0	0	0	0	0	
Law, Order And Public Safety Total		0	0	0	5,950	5,950	(5,950)	
Recreation And Culture								
 BLANK		0	0	0	0	0	0	
Recreation And Culture Total		0	0	0	0	0	0	
Transport								
 Purchase Of Plant	3564	356,629	0	356,629	650,140	650,140	(293,511)	
 Shire Depot	6880	0	0	0	13,707	0	0	
Transport Total		356,629	0	356,629	663,847	650,140	(293,511)	
Plant , Equip. & Vehicles Total		421,958	0	421,958	727,797	714,090	(292,131)	
Public Facilities								
Community Amenities								
 Niche Wall	2405	0	0	0	18,000	0	0	
Community Amenities Total		0	0	0	18,000	0	0	
Public Facilities Total		0	0	0	18,000	0	0	
Roads								
Transport								
 Local Road Construction	3170	289,313	0	289,313	622,840	622,840	(333,527)	
 Mrd Special Bridgeworks	3180	10,470	0	10,470	0	0	10,470	
 Footpath Program	3210	70	0	70	49,853	49,853	(49,783)	
Transport Total		299,853	0	299,853	672,694	672,694	(372,841)	
Roads (Non Town) Total		299,853	0	299,853	672,694	672,694	(372,841)	
Capital Expenditure Total		748,718	5,500	754,218	2,083,220	1,386,783	(632,565)	



Percentage YTD Actual to Annual Budget
Expenditure over budget highlighted in red.

31/01/2021



**Shire of Nannup Code of Conduct
For Council Members, Committee Members
and Candidates 2021**

Contents

Schedule 1 — Model code of conduct	1
Division 1 — Preliminary provisions	1
Division 2 — General principles	1
Division 3 — Behaviour	2
Division 4 — Rules of conduct	4
Defined terms	8

Schedule 1 — Model code of conduct

Division 1 — Preliminary provisions

1. Citation

This is the *Shire of Nannup Code of Conduct for Council Members, Committee Members and Candidates*.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles

3. Overview of Division

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

- (a) act with reasonable care and diligence; and
- (b) act with honesty and integrity; and
- (c) act lawfully; and
- (d) identify and appropriately manage any conflict of interest; and
- (e) avoid damage to the reputation of the local government.

(2) A council member or committee member should —

- (a) act in accordance with the trust placed in council members and committee members; and
- (b) participate in decision-making in an honest, fair, impartial and timely manner; and
- (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
- (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

(1) A council member, committee member or candidate should —

- (a) treat others with respect, courtesy and fairness; and
- (b) respect and value diversity in the community.

- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Division 3 — Behaviour

7. Overview of Division

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

- (1) A council member, committee member or candidate —
 - (a) must ensure that their use of social media and other forms of communication complies with this code; and
 - (b) must only publish material that is factually correct.
- (2) A council member or committee member —
 - (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
 - (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
- (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
- (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
- (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;

- (c) undertake training;
 - (d) take other action the local government considers appropriate.
- (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
- (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
- (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and
 - (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
- (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

16. Overview of Division

- (1) This Division sets out rules of conduct for council members and candidates.

- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —

electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;

resources of a local government includes —

- (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —

- (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
- (b) to cause detriment to the local government or any other person.

- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.

- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

20. Relationship with local government employees

- (1) In this clause —

local government employee means a person —

- (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.

- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
 - (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —

closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.
- (2) A council member must not disclose information that the council member —
 - (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
 - (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —

interest —

 - (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.

- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
 - (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
 - (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
 - (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

Defined term	Provision(s)
Act	Sch. 1 cl. 2(1)
candidate.....	Sch. 1 cl. 2(1)
closed meeting	Sch. 1 cl. 21(1)
complaint	Sch. 1 cl. 2(1)
confidential document	Sch. 1 cl. 21(1)
document	Sch. 1 cl. 21(1)
electoral purpose	Sch. 1 cl. 17(1)
interest	Sch. 1 cl. 22(1)
local government employee	Sch. 1 cl. 20(1)
non-confidential document	Sch. 1 cl. 21(1)
publish.....	Sch. 1 cl. 2(1)
resources of a local government.....	Sch. 1 cl. 17(1)

Attachment 12.4.2



Complaint About Alleged Breach Form - Code of conduct for council members, committee members and candidates

Schedule 1, Division 3 of the *Local Government (Model Code of Conduct) Regulations 2021*

- NOTE:** A complaint about an alleged breach must be made —
- (a) in writing in the form approved by the local government
 - (b) to an authorised person
 - (c) within one month after the occurrence of the alleged breach.

Name of person who is making the complaint:
Name: _____ <div style="display: flex; justify-content: space-around;"><u>Given Name(s)</u><u>Family Name</u></div>

Contact details of person making the complaint:
Address: _____
Email: _____
Contact number: _____

Name of the local government (city, town, shire) concerned:

Name of council member, committee member, candidate alleged to have committed the breach:

State the full details of the alleged breach. Attach any supporting evidence to your complaint form.

Date of alleged breach:

_____ / _____ / 20_____

SIGNED:

Complainant's signature:

Date of signing: _____ / _____ / 20_____

Received by Authorised Officer

Authorised Officer's Name:

Authorised Officer's Signature:

Date received: _____ / _____ / 20_____

NOTE TO PERSON MAKING THE COMPLAINT:

This form should be completed, dated and signed by the person making a complaint of an alleged breach of the Code of Conduct. The complaint is to be specific about the alleged breach and include the relevant section/subsection of the alleged breach.

The complaint must be made to the authorised officer within one month after the occurrence of the alleged breach.

Signed complaint form is to be forwarded to:

David Taylor

Chief Executive Officer

PO Box 11

Nannup WA 6275

OR

Email: david@nannup.wa.gov.au



PERTH, TUESDAY, 2 FEBRUARY 2021 No. 24 SPECIAL

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LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT (MODEL
CODE OF CONDUCT)
REGULATIONS 2021**

Western Australia

Local Government (Model Code of Conduct) Regulations 2021

Contents

Part 1 — Preliminary

1. Citation
2. Commencement

Part 2 — Model code of conduct

3. Model code of conduct (Act s. 5.103(1))

Part 3 — Repeal and consequential amendments

Division 1 — Repeal

4. *Local Government (Rules of Conduct)
Regulations 2007* repealed

Division 2 — Other regulations amended

5. *Local Government (Administration)
Regulations 1996* amended

Part 9A — Minor breaches by council members

- 34D. Contravention of local law as to conduct
(Act s. 5.105(1)(b))
6. *Local Government (Audit) Regulations 1996*
amended
7. *Local Government (Constitution) Regulations 1998*
amended

Schedule 1 — Model code of conduct

Division 1 — Preliminary provisions

1. Citation
2. Terms used

Local Government (Model Code of Conduct) Regulations 2021**Contents**

Division 2 — General principles

- 3. Overview of Division
- 4. Personal integrity
- 5. Relationship with others
- 6. Accountability

Division 3 — Behaviour

- 7. Overview of Division
- 8. Personal integrity
- 9. Relationship with others
- 10. Council or committee meetings
- 11. Complaint about alleged breach
- 12. Dealing with complaint
- 13. Dismissal of complaint
- 14. Withdrawal of complaint
- 15. Other provisions about complaints

Division 4 — Rules of conduct

- 16. Overview of Division
- 17. Misuse of local government resources
- 18. Securing personal advantage or disadvantaging others
- 19. Prohibition against involvement in administration
- 20. Relationship with local government employees
- 21. Disclosure of information
- 22. Disclosure of interests
- 23. Compliance with plan requirement

Defined terms

Local Government Act 1995

Local Government (Model Code of Conduct) Regulations 2021

SL 2021/15

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government (Model Code of Conduct) Regulations 2021*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 48 to 51 come into operation.

Local Government (Model Code of Conduct) Regulations 2021**Part 2** Model code of conduct**r. 3**

Part 2 — Model code of conduct**3. Model code of conduct (Act s. 5.103(1))**

The model code of conduct for council members, committee members and candidates is set out in Schedule 1.

Local Government (Model Code of Conduct) Regulations 2021

Repeal and consequential amendments

Part 3

Repeal

Division 1**r. 4****Part 3 — Repeal and consequential amendments****Division 1 — Repeal****4. Local Government (Rules of Conduct) Regulations 2007 repealed**

The *Local Government (Rules of Conduct) Regulations 2007* are repealed.

Division 2 — Other regulations amended**5. Local Government (Administration) Regulations 1996 amended**

- (1) This regulation amends the *Local Government (Administration) Regulations 1996*.
- (2) After regulation 34C insert:

Part 9A — Minor breaches by council members**34D. Contravention of local law as to conduct (Act s. 5.105(1)(b))**

- (1) In this regulation —
local law as to conduct means a local law relating to the conduct of people at council or committee meetings.
- (2) The contravention of a local law as to conduct is a minor breach for the purposes of section 5.105(1)(b) of the Act.

Local Government (Model Code of Conduct) Regulations 2021**Part 3** Repeal and consequential amendments**Division 2** Other regulations amended**r. 6**

6. Local Government (Audit) Regulations 1996 amended

- (1) This regulation amends the *Local Government (Audit) Regulations 1996*.
- (2) In regulation 13 in the Table:
- (a) under the heading “**Local Government Act 1995**” delete “s. 5.103” and insert:

s. 5.104

- (b) delete:

Local Government (Rules of Conduct) Regulations 2007		
r. 11		

7. Local Government (Constitution) Regulations 1998 amended

- (1) This regulation amends the *Local Government (Constitution) Regulations 1998*.
- (2) In Schedule 1 Form 7 delete “*Local Government (Rules of Conduct) Regulations 2007*.” and insert:

code of conduct adopted by the ³ under section 5.104 of the *Local Government Act 1995*.

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct

Schedule 1

Preliminary provisions

Division 1**cl. 1****Schedule 1 — Model code of conduct**

[r. 3]

Division 1 — Preliminary provisions**1. Citation**

This is the *[insert name of local government] Code of Conduct for Council Members, Committee Members and Candidates*.

2. Terms used

(1) In this code —

Act means the *Local Government Act 1995*;

candidate means a candidate for election as a council member;

complaint means a complaint made under clause 11(1);

publish includes to publish on a social media platform.

(2) Other terms used in this code that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

Division 2 — General principles**3. Overview of Division**

This Division sets out general principles to guide the behaviour of council members, committee members and candidates.

4. Personal integrity

(1) A council member, committee member or candidate should —

(a) act with reasonable care and diligence; and

(b) act with honesty and integrity; and

(c) act lawfully; and

(d) identify and appropriately manage any conflict of interest; and

(e) avoid damage to the reputation of the local government.

Local Government (Model Code of Conduct) Regulations 2021**Schedule 1** Model code of conduct**Division 2** General principles**cl. 5**

- (2) A council member or committee member should —
- (a) act in accordance with the trust placed in council members and committee members; and
 - (b) participate in decision-making in an honest, fair, impartial and timely manner; and
 - (c) actively seek out and engage in training and development opportunities to improve the performance of their role; and
 - (d) attend and participate in briefings, workshops and training sessions provided or arranged by the local government in relation to the performance of their role.

5. Relationship with others

- (1) A council member, committee member or candidate should —
- (a) treat others with respect, courtesy and fairness; and
 - (b) respect and value diversity in the community.
- (2) A council member or committee member should maintain and contribute to a harmonious, safe and productive work environment.

6. Accountability

A council member or committee member should —

- (a) base decisions on relevant and factually correct information; and
- (b) make decisions on merit, in the public interest and in accordance with statutory obligations and principles of good governance and procedural fairness; and
- (c) read all agenda papers given to them in relation to council or committee meetings; and
- (d) be open and accountable to, and represent, the community in the district.

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct

Schedule 1

Behaviour

Division 3**cl. 7****Division 3 — Behaviour****7. Overview of Division**

This Division sets out —

- (a) requirements relating to the behaviour of council members, committee members and candidates; and
- (b) the mechanism for dealing with alleged breaches of those requirements.

8. Personal integrity

(1) A council member, committee member or candidate —

- (a) must ensure that their use of social media and other forms of communication complies with this code; and
- (b) must only publish material that is factually correct.

(2) A council member or committee member —

- (a) must not be impaired by alcohol or drugs in the performance of their official duties; and
- (b) must comply with all policies, procedures and resolutions of the local government.

9. Relationship with others

A council member, committee member or candidate —

- (a) must not bully or harass another person in any way; and
- (b) must deal with the media in a positive and appropriate manner and in accordance with any relevant policy of the local government; and
- (c) must not use offensive or derogatory language when referring to another person; and
- (d) must not disparage the character of another council member, committee member or candidate or a local government employee in connection with the performance of their official duties; and
- (e) must not impute dishonest or unethical motives to another council member, committee member or candidate or a local government employee in connection with the performance of their official duties.

Local Government (Model Code of Conduct) Regulations 2021**Schedule 1** Model code of conduct**Division 3** Behaviour**cl. 10**

10. Council or committee meetings

When attending a council or committee meeting, a council member, committee member or candidate —

- (a) must not act in an abusive or threatening manner towards another person; and
- (b) must not make a statement that the member or candidate knows, or could reasonably be expected to know, is false or misleading; and
- (c) must not repeatedly disrupt the meeting; and
- (d) must comply with any requirements of a local law of the local government relating to the procedures and conduct of council or committee meetings; and
- (e) must comply with any direction given by the person presiding at the meeting; and
- (f) must immediately cease to engage in any conduct that has been ruled out of order by the person presiding at the meeting.

11. Complaint about alleged breach

- (1) A person may make a complaint, in accordance with subclause (2), alleging a breach of a requirement set out in this Division.
- (2) A complaint must be made —
 - (a) in writing in the form approved by the local government; and
 - (b) to a person authorised under subclause (3); and
 - (c) within 1 month after the occurrence of the alleged breach.
- (3) The local government must, in writing, authorise 1 or more persons to receive complaints and withdrawals of complaints.

12. Dealing with complaint

- (1) After considering a complaint, the local government must, unless it dismisses the complaint under clause 13 or the complaint is withdrawn under clause 14(1), make a finding as to whether the alleged breach the subject of the complaint has occurred.

Local Government (Model Code of Conduct) Regulations 2021Model code of conduct
Behaviour**Schedule 1****Division 3****cl. 13**

-
- (2) Before making a finding in relation to the complaint, the local government must give the person to whom the complaint relates a reasonable opportunity to be heard.
 - (3) A finding that the alleged breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
 - (4) If the local government makes a finding that the alleged breach has occurred, the local government may —
 - (a) take no further action; or
 - (b) prepare and implement a plan to address the behaviour of the person to whom the complaint relates.
 - (5) When preparing a plan under subclause (4)(b), the local government must consult with the person to whom the complaint relates.
 - (6) A plan under subclause (4)(b) may include a requirement for the person to whom the complaint relates to do 1 or more of the following —
 - (a) engage in mediation;
 - (b) undertake counselling;
 - (c) undertake training;
 - (d) take other action the local government considers appropriate.
 - (7) If the local government makes a finding in relation to the complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of —
 - (a) its finding and the reasons for its finding; and
 - (b) if its finding is that the alleged breach has occurred — its decision under subclause (4).

13. Dismissal of complaint

- (1) The local government must dismiss a complaint if it is satisfied that —
 - (a) the behaviour to which the complaint relates occurred at a council or committee meeting; and

Local Government (Model Code of Conduct) Regulations 2021**Schedule 1** Model code of conduct**Division 4** Rules of conduct**cl. 14**

- (b) either —
 - (i) the behaviour was dealt with by the person presiding at the meeting; or
 - (ii) the person responsible for the behaviour has taken remedial action in accordance with a local law of the local government that deals with meeting procedures.
- (2) If the local government dismisses a complaint, the local government must give the complainant, and the person to whom the complaint relates, written notice of its decision and the reasons for its decision.

14. Withdrawal of complaint

- (1) A complainant may withdraw their complaint at any time before the local government makes a finding in relation to the complaint.
- (2) The withdrawal of a complaint must be —
 - (a) in writing; and
 - (b) given to a person authorised under clause 11(3).

15. Other provisions about complaints

- (1) A complaint about an alleged breach by a candidate cannot be dealt with by the local government unless the candidate has been elected as a council member.
- (2) The procedure for dealing with complaints may be determined by the local government to the extent that it is not provided for in this Division.

Division 4 — Rules of conduct

Notes for this Division:

- 1. Under section 5.105(1) of the Act a council member commits a minor breach if the council member contravenes a rule of conduct. This extends to the contravention of a rule of conduct that occurred when the council member was a candidate.
- 2. A minor breach is dealt with by a standards panel under section 5.110 of the Act.

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct

Schedule 1

Rules of conduct

Division 4**cl. 16****16. Overview of Division**

- (1) This Division sets out rules of conduct for council members and candidates.
- (2) A reference in this Division to a council member includes a council member when acting as a committee member.

17. Misuse of local government resources

- (1) In this clause —
electoral purpose means the purpose of persuading electors to vote in a particular way at an election, referendum or other poll held under the Act, the *Electoral Act 1907* or the *Commonwealth Electoral Act 1918*;
resources of a local government includes —
 - (a) local government property; and
 - (b) services provided, or paid for, by a local government.
- (2) A council member must not, directly or indirectly, use the resources of a local government for an electoral purpose or other purpose unless authorised under the Act, or by the local government or the CEO, to use the resources for that purpose.

18. Securing personal advantage or disadvantaging others

- (1) A council member must not make improper use of their office —
 - (a) to gain, directly or indirectly, an advantage for the council member or any other person; or
 - (b) to cause detriment to the local government or any other person.
- (2) Subclause (1) does not apply to conduct that contravenes section 5.93 of the Act or *The Criminal Code* section 83.

19. Prohibition against involvement in administration

- (1) A council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government or the CEO to undertake that task.
- (2) Subclause (1) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.

Local Government (Model Code of Conduct) Regulations 2021**Schedule 1** Model code of conduct**Division 4** Rules of conduct**cl. 20**

20. Relationship with local government employees

- (1) In this clause —
local government employee means a person —
- (a) employed by a local government under section 5.36(1) of the Act; or
 - (b) engaged by a local government under a contract for services.
- (2) A council member or candidate must not —
- (a) direct or attempt to direct a local government employee to do or not to do anything in their capacity as a local government employee; or
 - (b) attempt to influence, by means of a threat or the promise of a reward, the conduct of a local government employee in their capacity as a local government employee; or
 - (c) act in an abusive or threatening manner towards a local government employee.
- (3) Subclause (2)(a) does not apply to anything that a council member does as part of the deliberations at a council or committee meeting.
- (4) If a council member or candidate, in their capacity as a council member or candidate, is attending a council or committee meeting or other organised event (for example, a briefing or workshop), the council member or candidate must not orally, in writing or by any other means —
- (a) make a statement that a local government employee is incompetent or dishonest; or
 - (b) use an offensive or objectionable expression when referring to a local government employee.
- (5) Subclause (4)(a) does not apply to conduct that is unlawful under *The Criminal Code* Chapter XXXV.

21. Disclosure of information

- (1) In this clause —
closed meeting means a council or committee meeting, or a part of a council or committee meeting, that is closed to members of the public under section 5.23(2) of the Act;

Local Government (Model Code of Conduct) Regulations 2021

Model code of conduct

Schedule 1

Rules of conduct

Division 4**cl. 22**

confidential document means a document marked by the CEO, or by a person authorised by the CEO, to clearly show that the information in the document is not to be disclosed;

document includes a part of a document;

non-confidential document means a document that is not a confidential document.

- (2) A council member must not disclose information that the council member —
- (a) derived from a confidential document; or
 - (b) acquired at a closed meeting other than information derived from a non-confidential document.
- (3) Subclause (2) does not prevent a council member from disclosing information —
- (a) at a closed meeting; or
 - (b) to the extent specified by the council and subject to such other conditions as the council determines; or
 - (c) that is already in the public domain; or
 - (d) to an officer of the Department; or
 - (e) to the Minister; or
 - (f) to a legal practitioner for the purpose of obtaining legal advice; or
 - (g) if the disclosure is required or permitted by law.

22. Disclosure of interests

- (1) In this clause —
- interest** —
- (a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and
 - (b) includes an interest arising from kinship, friendship or membership of an association.

Local Government (Model Code of Conduct) Regulations 2021**Schedule 1** Model code of conduct**Division 4** Rules of conduct**cl. 23**

- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the council member must disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting; or
 - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.
- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the council member did not know —
- (a) that they had an interest in the matter; or
 - (b) that the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under subclause (2)(a), a council member discloses an interest in a written notice given to the CEO before a meeting, then —
- (a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and
 - (b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.
- (6) Subclause (7) applies in relation to an interest if —
- (a) under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
 - (b) under subclause (5)(b) notice of the interest is brought to the attention of the persons present at a meeting.
- (7) The nature of the interest must be recorded in the minutes of the meeting.

23. Compliance with plan requirement

If a plan under clause 12(4)(b) in relation to a council member includes a requirement referred to in clause 12(6), the council member must comply with the requirement.

N. HAGLEY, Clerk of the Executive Council.

Local Government (Model Code of Conduct) Regulations 2021**Defined terms****Defined terms**

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
Act.....	Sch. 1 cl. 2(1)
candidate	Sch. 1 cl. 2(1)
closed meeting	Sch. 1 cl. 21(1)
complaint	Sch. 1 cl. 2(1)
confidential document.....	Sch. 1 cl. 21(1)
document.....	Sch. 1 cl. 21(1)
electoral purpose	Sch. 1 cl. 17(1)
interest.....	Sch. 1 cl. 22(1)
local government employee	Sch. 1 cl. 20(1)
non-confidential document	Sch. 1 cl. 21(1)
publish.....	Sch. 1 cl. 2(1)
resources of a local government.....	Sch. 1 cl. 17(1)

Attachment 12.4.4

LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) REGULATIONS 2021 – EXPLANATORY NOTES

These regulations bring into effect **sections 48 to 51** of the *Local Government Legislation Amendment Act 2019*.

In particular, the following will take effect: sections 5.102A, 5.103, 5.104 and 5.105.

	Regulation	Explanation
3	Model Code of Conduct	These regulations provide for the model code of conduct for council members, committee members and candidates in Schedule 1.
4	<i>Local Government (Rules of Conduct) Regulations 2007</i> repealed	This regulation repeals the <i>Local Government (Rules of Conduct) Regulations 2007</i> (Rules of Conduct Regulations) as they now form part of the Model Code regulations (Schedule 1, Division 4).
5	<i>Local Government (Administration) Regulations 1996</i> amended	<p>This regulation inserts new Part 9A – Minor breaches by council members - into the Model Code regulations. It replaces existing regulation 4 of the Rules of Conduct Regulations (Contravention of certain local laws) and instead inserts it into the Administration Regulations.</p> <p>Part 9A provides that a contravention of a local law that relates to the conduct of people at council or committee meetings is a minor breach for the purposes of section 5.105(1)(b) of the Act. This is not a rule of conduct, which is why it is separate to the provisions in the Model Code.</p>
6	<i>Local Government (Audit) Regulations 1996</i> amended	This regulation amends the statutory requirements for the compliance audit return to capture the adoption of the Model Code and deletes the reference to the Rules of Conduct Regulations.
7	<i>Local Government (Constitution) Regulations 1998</i> amended	This regulation amends Schedule 1 Form 7 (Declaration by elected member of council) of the Constitution Regulations to reference the code of conduct adopted by the relevant local government, rather than the Rules of Conduct Regulations.
	Schedule 1 – Model code of conduct	
1	Citation	New section 5.104 of the Local Government Act requires local governments to adopt the model code of conduct within three months of these Regulations coming into operation. Until the Model Code is adopted, in accordance with section 5.104(5), the model code is taken to be a local government's adopted code of conduct until the local government adopts a code of conduct.

	Regulation	Explanation
		<p>The Model Code, as drafted, provides a template for local governments to adopt the code as their own by inserting their local government name.</p> <p>In accordance with section 5.104(3), local governments can include additional behaviours under Division 3 that are not inconsistent with the Code, which may not currently be represented.</p> <p>To adopt the code, a resolution needs to be passed by an absolute majority. Once the code is adopted, it must be published on the local government's website.</p>
2	Terms Used	This clause defines "Act", "candidate", "complaint" and "publish". All other terms used have the same meaning as in the Act unless the contrary intention appears.
	Division 2 – General principles	
3	Overview of Division	As per new section 5.103(2)(a), the Model Code is to contain general principles to guide behaviour. These are set out in Division 2.
4	Personal Integrity	<p>This clause outlines specific personal integrity principles, including the need to:</p> <ul style="list-style-type: none"> • act with reasonable care and diligence; • act with honesty and integrity; • act lawfully; • identify and appropriately manage any conflict of interest; • avoid damage to the reputation of the local government.
5	Relationships with others	This clause outlines principles for relationships with others, including the need to treat others with respect, courtesy and fairness, and maintain and contribute to a harmonious, safe and productive work environment.
6	Accountability	This clause outlines principles for accountability, including that decisions should be based on relevant and factually correct information and that a council or committee member should be open and accountable to, and represent, the community in the district.
	Division 3 - Behaviour	
7	Overview of Division	<p>As per new section 5.103(2)(b), the Model Code is to contain requirements relating to behaviour.</p> <p>This division sets the standards of behaviour which enable and empower members to meet the principles outlined in Division 2. Division 3 behaviour breaches are managed by local</p>

	Regulation	Explanation
		governments, and so the division also includes a mechanism to deal with alleged breaches. The emphasis is on an educative role to establish sound working relationships and avoid repeated breaches.
8	Personal Integrity	<p>This clause provides for behaviours for council members, committee members and candidates, as well as behaviours specific to council and committee members.</p> <p>Behaviours include that a council member, committee member or candidate must ensure their use of social media and other forms of communication comply with the code. Members must also not be impaired by alcohol or drugs in the performance of their official duties.</p>
9	Relationships with others	<p>This clause provides for behaviours related to relationships with others, including the requirement to:</p> <ul style="list-style-type: none"> • deal with the media in a positive and appropriate manner; • not use offensive or derogatory language when referring to another person; • not disparage the character of another council member, committee member, candidate or local government employee in connection with the performance of their official duties; and • not impute dishonest or unethical motives to another council member, committee member, candidate or local government employee in connection with the performance of their official duties.
10	Council or committee meetings	<p>This clause provides for behaviours when attending a council or committee meeting. This includes that a council member, committee member or candidate must not:</p> <ul style="list-style-type: none"> • act in an abusive or threatening manner towards another person; • repeatedly disrupt the meeting; or • make a statement that they know, or could reasonably be expected to know, is false or misleading.
11	Complaints about alleged breach	<p>This clause provides that a person may make a complaint alleging a breach of Division 3 by submitting the complaint in writing (in a form approved by the local government) within one month of the alleged breach occurring.</p> <p>The local government is to authorise at least one person to receive complaints and withdrawals of complaints.</p>

	Regulation	Explanation
12	Dealing with complaint	<p>This clause provides a process for dealing with complaints. Subclause (1) requires local governments to make a finding as to whether the breach occurred, unless the complaint is dismissed (clause 13), or withdrawn (clause 14).</p> <p>Before making a finding, the person to whom the complaint relates must be given a reasonable opportunity to be heard. A finding about whether the breach has occurred should be based on whether it is more likely than not that the breach occurred. This is the same premise used by the Standards Panel in its decision making.</p> <p>If a finding of breach is made, the local government can choose to take no further action or develop a plan to address the person's behaviour. This may include training, mediation, counselling or any other action considered appropriate. Subclause (5) requires that the local government must consult with the person to whom the complaint relates in preparing the plan.</p> <p>After a finding has been made, written notice of the outcome needs to be given to the complainant and the person to whom the complaint relates.</p>
13	Dismissal of complaint	This clause provides that a complaint must be dismissed if the behaviour occurred at a council or committee meeting, and the local government is satisfied that the behaviour has already been dealt with, or the person responsible for the behaviour has taken remedial action in accordance with the meeting procedures local law.
14	Withdrawal of complaint	This clause provides that a complainant may withdraw a complaint at any time before a finding is made.
15	Other provisions about complaints	This clause provides that a complaint about a candidate cannot be dealt with unless the candidate is elected. It also allows local governments to determine the procedure for dealing with complaints to the extent it isn't already provided for.
	Division 4 – Rules of conduct	
16	Overview of Division	<p>As per section 5.103(2)(c) of the Amendment Act, the Model Code contains rules of conduct. The rules of conduct are specific rules for which alleged breaches (minor breaches) are referred to the Standards Panel. A reference to a council member in this division includes a council member acting as a committee member.</p> <p>The Rules of Conduct Regulations are being repealed (see regulation 4 above) and replaced by this Division.</p>

	Regulation	Explanation
17	Misuse of local government resources	This clause is based on regulation 8 of the Rules of Conduct Regulations. It provides that a council member must not misuse local government resources, which includes local government property or services.
18	Securing personal advantage or disadvantaging others	This is based on regulation 7 of the Rules of Conduct Regulations. It provides that a council member must not make improper use of their office to gain advantage or cause detriment to the local government or any other person.
19	Prohibition against involvement in administration	This is based on regulation 9 of the Rules of Conduct Regulations. It provides that a council member must not undertake a task that contributes to the administration of the local government unless authorised by the local government (council) or CEO.
20	Relationship with local government employees	This is based on regulation 10 of the Rules of Conduct Regulations. It provides that a council member or candidate must not direct, influence, abuse or threaten a local government employee.
21	Disclosure of information	This is based on regulation 6 of the Rules of Conduct Regulations. It provides that a council member must not disclose information that is from a confidential document or was acquired at a closed meeting.
22	Disclosure of interests	This is based on regulation 11 of the Rules of Conduct Regulations. It provides that a council member must disclose impartiality interests, which includes interests arising from kinship, friendship or membership of an association.
23	Compliance with plan requirement	This is a new rule of conduct that provides for a minor breach if a council member does not comply with a plan requirement (see clause 12(4)(b)) imposed by the local government following a breach of a behaviour under Division 3.



Department of
Local Government, Sport
and Cultural Industries

Attachment 12.4.5



Local Government
Act 1995 Review
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LOCAL GOVERNMENT ACT REVIEW ►► DELIVERING FOR THE COMMUNITY

Guidelines on the Model Code of Conduct for Council Members, Committee Members and Candidates

February 2021

Contents

Model Code of Conduct	3
Introduction	3
Purpose.....	4
Adoption	5
Division 2 – General Principles	5
Division 3 – Behaviour	6
Complaints	7
Division 4 – Rules of Conduct.....	10

Model Code of Conduct

Introduction

Local government is vital for the delivery of key services and infrastructure in the community. Individuals who are, or seek to be, members of local councils and council committees are entrusted by their community to represent local views, make sound decisions, and utilise public funds effectively to deliver services and amenities for their community. As such, a high standard of professional and ethical conduct is expected of council members and committee members in local governments, as well as candidates in local government elections.

A review of the *Local Government Act 1995* (Act), including consultation with community and sector stakeholders, led to the implementation of priority reforms under the *Local Government Amendment Act 2019* (Amendment Act).

The Amendment Act was developed in response to stakeholder feedback that there was a need for governance reforms, including a Code of Conduct for council members, committee members and candidates that clearly reflects community expectations of behaviour and supports consistency between local governments in relation to the overall process for managing alleged breaches of that Code.

As a result, key reforms under the Amendment Act include the introduction of a Model Code of Conduct (Model Code) that must be adopted by local governments and applied to council members, committee members and candidates; as well as a separate Code of Conduct for Employees.

The Model Code replaces the previous statutory requirement for local governments to develop and implement an individual code of conduct for their council members, committee members and employees.

The *Model Code of Conduct Regulations 2021* (Regulations) have been developed to give effect to the Amendment Act, and provide for:

- overarching principles to guide behaviour;
- behaviours and complaints which are managed by local governments; and
- rules of conduct, contraventions of which are considered by the independent Local Government Standards Panel (Standards Panel) where appropriate.

Definitions

The Model Code defines key terms to aid understanding and compliance. Where a term is not defined in either the Regulations or the Act, then the generally accepted meaning of the term applies. Some additional guidance is provided as follows:

Candidate: an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under section 4.49 of the Act. The Model Code applies to the individual from that point. Any alleged breach of the Model Code may only be addressed if and when the individual is elected as a council member.

Council member: references to ‘council member’ in the Regulations mean an individual who has been elected as a council member under the Act. The requirements of the Regulations also apply to a council member who is a committee member on a council committee.

Committee member: under the Regulations, a ‘committee member’ includes any council member, local government employee or unelected member of the community who has been engaged by the council to participate in a council committee.

Evidence: references to ‘evidence’ in the Regulations means the available facts or information indicating whether an allegation is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as other relevant information, to decide whether an alleged breach of the Model Code has occurred.

Local government(s): per the approach in the Act, references to ‘local government’ in the Regulations mean the body corporate that is the local governing body made up of the council, Chief Executive Officer (CEO) and administrative staff appointed and managed by the CEO.

Where a statutory function entails decision-making on governance matters, the council is responsible for making those decisions. This includes decisions on complaints regarding the conduct of council members, committee members and candidates, as set out in the Regulations.

Further guidance on certain terms in the Model Code is provided in these Guidelines.

Purpose

The purpose of the Model Code is to guide the decisions, actions and behaviours of members, both in council and on council committees, and of candidates running for election as a council member.

Members must comply with the provisions in the Model Code in fulfilling their role and responsibilities in council and on council committees, as set out in the Act.

An individual who has nominated as a candidate for election as a council member is also required to demonstrate professional and ethical behaviour during their election campaign. If elected, the individual must continue to comply with the Model Code in council and on council committees.

It is the individual responsibility of council members, committee members and candidates to become familiar with the Model Code, these Guidelines and any relevant policies of their local government, and to follow the Code at all times.

Where the behaviour of a council member, committee member or candidate does not comply with the Code, it is intended that the local council address the behaviour through education and other remedial actions that the council considers appropriate, rather than formal sanctions.

Where an individual does not comply with any action required by the council, then the council may determine that the matter is to be referred to the Standards Panel as an

alleged contravention of a rule of conduct. The Standards Panel has the authority to make binding decisions regarding allegations of minor misconduct.

Adoption

Section 5.104 of the Act requires that local governments adopt the Model Code as their Code of Conduct within three months of the Regulations coming into operation (by 3 May 2021). Note: The operational requirements of Division 3 require local governments to take certain initial actions within three weeks (by 24 February 2021).

In accordance with section 5.104(4), the Model Code applies until the local government adopts it as their Code. This means that the principles, behaviour requirements and rules of conduct of the Regulations apply to council members, committee members and candidates even if their local government has not yet adopted the Model Code.

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).

In preparing the Code for adoption, local governments are encouraged to review their existing Code and consider incorporating any additional behaviour requirements that are not represented in the Model Code. This may include specific dress standards or the appropriate use of technology.

To adopt the Code, a resolution passed by an absolute majority of the council is required. Once the Code is adopted, it must be published on the local government's official website (section 5.104(7)).

Division 2 – General Principles

This section of the Regulations set out the fundamental rules that council members, committee members and candidates are expected to adhere to, promote and support. Adhering to these rules will assist individuals to comply with the behaviours outlined in Division 3 and 4.

The principles outline the overarching approach that members and candidates should demonstrate in their role as public representatives, or potential public representatives. Individuals should consider all behaviours in light of these principles, including any behaviour and conduct that is not covered specifically in Division 3 and 4.

The principles are grouped into three key areas: Personal Integrity; Relationships with others and Accountability. Additional guidance on these areas is provided as follows:

Integrity and conflicts of interest

Members and candidates are generally active in their local area which may lead to a conflict between the public interests of the community and the personal interests of the individual, their family members and associates.

It is the individual responsibility of members and candidates to disclose any such conflicts and ensure that they are managed appropriately to comply with the Model Code and serve their community as expected by the local electors.

Individuals should also consider perceived and potential conflicts of interest. While an individual may be confident of the integrity of their actions, it is important to reflect on how their actions may appear to others, and/or how an action taken now could lead to a conflict of interest in future. If an interest is identified, the individual should disclose and manage this to avoid a conflict with the public interest.

Avoidance of reputational damage

Elected members and candidates may hold strong concerns in relation to actions, or a lack of action, by their local government on certain matters.

It is the individual responsibility of members to ensure that they comply with the Model Code by raising concerns in a respectful and constructive manner and working effectively with their colleagues for their community, as expected by the local electors.

During an election campaign, it is the individual responsibility of candidates to ensure that any concerns they raise regarding the current local government is based on accurate information and expressed in a respectful and constructive manner that demonstrates to local electors their suitability as a potential public representative.

Decision-making and accountability

Council and committee members regularly make decisions that impact on their local area. The community expects that members will make council and committee decisions based on information that is relevant and factually correct. This will vary according to the decision to be made and the information available to the council members and committee members at that time.

In general, individuals are responsible for ensuring their decisions are based on information that is accurate and pertinent to the matter at hand; and can be reasonably considered accurate and relevant by others.

As part of being accountable to their community, council members and committee members should accept responsibility for the decisions they make in the performance of their role.

Division 3 – Behaviour

This section of the Regulations sets the standards of behaviour which reflect the general principles outlined in Division 2.

It is the individual responsibility of members and candidates to demonstrate, promote and support professional and ethical behaviour as provided in the Model Code.

Complaints regarding alleged breaches of the Model Code in Division 3 are managed by the local council as the decision-making body of the local governments. The division also provides a process for responding to alleged breaches. The emphasis is on

education and development, rather than punitive sanctions, with the aim of establishing or restoring positive working relationships and avoiding further breaches.

Failure to comply with this Division may give rise to a complaint regarding the conduct of a council member, committee member or candidate, which may lead to the council making a formal finding of a breach and requiring remedial action by the individual.

A local government may wish to develop further guidance on dealing with complaints through the introduction of a complementary policy and/or procedure on complaints management to the extent it is not provided for in the Regulations. There are resources on effective complaints management available on the Ombudsman WA's website at www.ombudsman.wa.gov.au.

Complaints

Process for making a complaint

Clause 11 of the Regulations provides that a person can make a complaint alleging a breach of Division 2 within one month of the alleged breach occurring.

Local governments should ensure that making a complaint is a simple and accessible process so that any member of the local community can raise concerns about the conduct of council members, committee members and candidates.

Local governments should make it clear that it is important a complainant provides details in their complaint, with supporting information where feasible to do so, because the complaint will form part of the evidence considered by the council when deciding whether a breach of the Model Code has occurred.

Action required

Local governments must authorise at least one person to receive complaints regarding members and candidates. While the Regulations do not include specific requirements and a local government may decide that the complaints officer is appropriate, other options could include:

- President or Mayor,
- Deputy President or Mayor (especially for complaints about the President or Mayor),
- Chief Executive Officer, or
- External consultant

To account for any breaches occurring on the first day that the Regulations take effect, local governments must authorise at least one person within three weeks of the Regulations taking effect (by 24 February 2021).

The Regulations also provide that complaints are to be made in writing in a form approved by the local government.

Action required

Local governments must determine whether there will be a specific template for complaints and process for how they are to be lodged.

Local governments may choose to:

- establish a specific email address for conduct complaints
- provide a name/position to whom complaints should be addressed
- prepare a complaint form to allow the complainant.
- engaged an independent person to support the resolution of a complaint. Local governments may consider sharing the services of an independent person.

The Department has prepared a template form for complaints to assist local governments. The template is available on the department's website at www.dlgsc.wa.gov.au.

The authorised person(s) should acknowledge the receipt of every written complaint in a timely manner. As part of the acknowledgment process, the complainant should be provided information on how the complaint will be progressed and an expected timeframe for the matter to be finalised. This may include providing the complainant with a copy of the complaint policy where available.

Dealing with a complaint

The Regulations do not specify a timeframe by when complaints should be dealt with, however, a timeframe could be included in a local government's policy.

In the interests of procedural fairness, all complaints should be dealt with in a timely manner and allow all parties the opportunity to provide information regarding the alleged conduct.

Clause 12 of the Regulations outlines the process for dealing with complaints regarding the conduct of elected members and candidates. The Model Code leaves it open to local governments to determine the most appropriate and effective process for how this is undertaken. Options could include:

- The President/Mayor or Deputy consider all complaints
- Delegation of complaints to the CEO to prepare a report for the council
- Appointment of an independent/external consultant to review complaints and provide a report to the council
- Establish a committee to review complaints and report to the council. The committee may include independent members.

Local governments should consider how they are going to respond to complaints, and whether complaints are going to be addressed based on seriousness or impact of the allegation or on the order in which complaints are received.

Action required

Local governments must determine who will be considering complaints received and how complaints will be prioritised and managed.

Clause 12(2) of the Regulations require that the person to whom the complaint relates is given a reasonable opportunity to be heard. This should include providing a copy of the complaint to that person in a timely manner and allowing them an opportunity to respond to the allegations in writing. The information provided by that person will assist the local government in forming a view as to whether a breach has occurred.

Making a finding

Clause 12(1) requires the local council to consider whether the alleged matter which is the subject of a complaint, did occur and make a finding on whether the matter constituted a breach of the Code of Conduct.

The local council should use the same approach as the Standards Panel in their deliberations and decision-making; that is, based on the complaint and other evidence received by the council, the council must be satisfied that, on the balance of probabilities, it is more likely than not that a breach occurred.

Information provided by the complainant and information provided by the person to whom the complaint relates will assist the council to make a finding.

Action Plans

Clause 12(4) provides that if the local council makes a finding that a breach of the Code of Conduct did occur, the council may determine that no further action is required; or that an action plan must be prepared and implemented.

An action plan should be designed to provide the member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives.

The action plan does not need to be complex. The plan should outline:

- the behaviour(s) of concern;
- the actions to be taken to address the behaviour(s);
- who is responsible for the actions; and
- an agreed timeframe for the actions to be completed.

An action plan should not include measures that are intended to be a punishment, and instead should focus on mechanisms to encourage positive behaviour and prevent negative behaviour from occurring again in future.

The Code requires that in preparing the action plan, consultation must be undertaken with the elected member to whom the plan relates. This is designed to provide the member with the opportunity to be involved in matters such as the timing of meetings or training. Note: some members may not be willing to engage with the opportunity to participate in the process.

The council or a delegated person should monitor the actions and timeframes set out in the action plan. This is important because if the member does not comply with the

action/s within the agreed timeframe, then under the Regulations it is considered a contravention of a rule of conduct.

Dismissal of complaints

While local governments are required to consider all complaints, they can be dismissed if:

- the behaviour occurred at a council or committee meeting and the behaviour was dealt with at that meeting (clause 13), or
- the complaint is withdrawn (clause 14).

Clause 13 allows a complaint to be dismissed if the behaviour occurred at a council or committee meeting, and that behaviour was addressed at the time. This could have been by the presiding member, or remedial action was taken in accordance with the local government's standing orders or local law.

Where agreement cannot be reached

Circumstances may arise when a local council cannot agree on the resolution of a complaint or whether the complaint can be dismissed under clause 13.

In these situations, the local government may decide to engage an independent person to review the complaint and make recommendations on appropriate actions.

Withdrawal of a complaint

Clause 14 provides the option for a complaint to be withdrawn before it is considered by the council.

Local governments may elect to include in their complaints policy the option for mediation between the complainant and the member. Mediation may resolve any specific issues before the council is required to make a finding and may lead to the complainant withdrawing the complaint. Clause 14 requires a withdrawal to be made in writing and provided to the person(s) authorised to receive complaints.

Division 4 – Rules of Conduct

Contraventions of rules of conduct are matters that:

- negatively affect the honest or impartial performance of an elected member;
- involve a breach of trust placed in the elected member; or
- involve the misuse of information or material.

Division 4 sets out rules of conduct for elected members and candidates that relate to the principles in Division 2 and the behaviours in Division 3. This Division also introduces a new rule of conduct to address situations where an elected member does not undertake the actions required by the local council following a breach of the Model Code. A contravention of this rule of conduct is considered a minor breach, as defined in the Act.

The process for complaints under Division 4 is outlined in the Act. Complaints in the first instance are directed to the complaints officer at the local government. The Act provides that the complaints officer is the CEO or another officer with delegated responsibility.

A council may decide to refer an alleged contravention of Division 4 to the independent Standards Panel in accordance with the Act. As the Panel does not have investigative powers, decisions are made based on the information received by the Panel from the local government. The Standards Panel must be satisfied that, on the balance of probabilities, it is more likely than not that a breach has occurred for the Standards Panel to make a finding of breach.

Where the Standards Panel makes a finding against an elected member or candidate, sanctions will be imposed in accordance with the Part 5 Division 9 of the Act.

Nothing in this Division removes the obligations placed upon council members and employees (including the CEO) of the local government under the *Corruption, Crime and Misconduct Act 2003*.

Further information on the Standards Panel process is available on the Department's website.

Further information

The aim of the Model Code of Conduct is to foster a high standard of professional and ethical conduct by council members and candidates, and to support consistency across local governments in relation to their response to complaints regarding conduct.

Local governments are encouraged to seek guidance and advice on specific matters whenever necessary. For queries, please contact: actreview@dlgsc.wa.gov.au

Attachment 12.5.1

15 Coates Avenue
Baldivis, WA 6171
Email: rally@forestrally.com.au
Mobile: 0418 950 022

20 December 2020

Mr. David Taylor
Chief Executive Officer
Nannup Shire Council
Adam Street
Nannup WA 6275

Dear David

On behalf of the West Australian Car Club (Inc.) I wish to apply to the Shire of Nannup for the Make Smoking History Forest Rally to base the event at Nannup Recreation & Community Centre for 2021. The rally will start in Bunbury on Friday evening 21 May and with the Shire of Nannup's approval, will be based in Nannup on Saturday and Sunday 22 & 23 May 2021.

We will be wanting to base Rally HQ at Nannup rather than in Busselton as we have in the past.

The rally will be Round 2 of the Motorsport Australia Australian Rally Championship® and the WA Rally Championship. The event will attract Australia's and Western Australia's leading rally crews to the region for a terrific weekend of motor sport.

Along with the rally crews there will be some 1200 people attached to the event including officials and service crew. It attracts many members of the media from around the country. The Australian Rally Championship will be producing an excellent social media campaign during the running of the event, including "live" Web TV.

As we have always done in the past it is our desire to ensure that not only is the event a success but that the businesses and community groups of Nannup benefit from the event. From the reports we have received, the Forest Rally weekend is one of the more profitable weekends in Nannup.

We once again ask the Shire of Nannup for approval to use the following facilities over the weekend of the rally:

1. For 2021 we are proposing to use the Nannup Recreation & Community Centre as our Rally HQ and Service Park. This would entail.
 - a. The Community Meeting Room as hour Rally HQ from Wednesday 19 May to Sunday 23 May. We would require he use of the Internet and to be able to set up a Radio Antenna
 - b. The Community Centre Kitchen to be used by a contractor on Saturday 22 May and Sunday 23 May
 - c. The surrounding roads and the hockey ground to be used as the Service Park. This would include allowing trucks to be parked on the road from Tuesday
 - d. Crews may wish to make sue of the showers in the recreation centre, especially on Sunday afternoon as some of them will be heading east via road or plane immediately after the event.

The Service Park layout map is still being completed and will be forwarded once complete for review.

It is our plan to utilise this section as our 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.

2. Could the shire advise if there is anywhere suitable for the washing of rally cars at the Nannup Oval / Recreation & Community Centre? We have previously used the vacant area at the bottom of Brockman Street, past the caravan park, for the washing of rally cars. This is a service provided by the Nannup Community and we make a donation for their services. If there is no place suitable at the Recreation Centre grounds, we would like to continue using the previous area for the car wash down.
3. We would appreciate if you could send through a list of landowners in Folly, Milward and Ellis Plantations so we can ask for approval if we intend to compete on their land or notify them if they are adjoining landowner.
4. We would appreciate if the Shire could notify us if the VBFB should be stationed on each stage. We could presume running in May there will be little chance of a fire risk.
5. We would like to book the Shire of Nannup grader to repair the Folly Plantation roads on Monday 24 May 2021 or as close to that date as possible.

The Road Closure application forms and traffic management plans will be sent through when completed in the new year.

I would appreciate if the Shire could support the Forest Rally with free use of the above facilities as part of a sponsorship arrangement. As you would have seen over the past 20 years the rally promotes the Shire of Nannup on all publications as part of the promotion of the rally.

It would be great to have a meeting at some point to discuss any sponsorship opportunities or in-kind where we could create a multi-year agreement to both work together to ensure the event continues for many years to come.

I look forward to working with the people of Nannup again in continuing to make improvements to the rally and encouraging more people to the region to see the rally and enjoy the facilities provided.

If you or the Shire have any queries, please don't hesitate in contacting me.

Regards,



Ross Tapper
Clerk of the Course