



Agenda

Council Meeting to be held Thursday 25 March 2021

Commencing at 5.30pm in Council Chambers

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Contents

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:	1
2. ATTENDANCE/APOLOGIES:	1
2.1 ATTENDANCE	1
2.2 APOLOGIES.....	1
3. PUBLIC QUESTION TIME:.....	1
3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	1
3.2 PUBLIC QUESTION TIME.....	1
4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:	1
4.1 APPROVED LEAVE OF ABSENCE	1
4.2 APPLICATION FOR A LEAVE OF ABSENCE.....	1
5. CONFIRMATION OF MINUTES:.....	1
5.1 SPECIAL MEETING OF COUNCIL – 11 FEBRUARY 2021.....	1
5.2 ORDINARY MEETING OF COUNCIL – 25 FEBRUARY 2021	1
5.3 BUSH FIRE ADVISORY COMMITTEE – 22 FEBRUARY 2021	2
6. ANNOUNCEMENTS FROM PRESIDING MEMBER:	2
7. DISCLOSURE OF INTEREST:.....	2
8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:	2
9. PRESENTATIONS:.....	2
9.1 PETITIONS.....	2
9.2 PRESENTATIONS.....	2
9.3 DEPUTATIONS	2
10. MEETING CLOSED TO THE PUBLIC:	2
10.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED:	2
10.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC:	2
11. REPORTS OF OFFICERS:	2
11.1 - Delegated Planning Decisions for February 2021	3
11.2 - Audit Advisory Committee Terms of Reference	5
11.3 - Shire of Nannup Annual Financial Statements 2019-20	7
11.4 – Compliance Audit Return 2020	10
11.5 - Monthly Accounts for Payment - February 2021	12
11.6 – Statutory Budget Review incorporating Monthly Financial Statement of Activity as at 28 February 2021.....	14
12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:.....	17
13. URGENT BUSINESS:	17
14. CLOSURE OF MEETING:.....	17

SHIRE OF NANNUP

NOTICE OF ORDINARY COUNCIL MEETING

To be held at the Council Chambers
Thursday 25 March 2021 at 5.30 pm

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:

The Shire President to acknowledge the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.
The Shire President to declare the meeting open and welcome the public gallery.

2. ATTENDANCE/APOLOGIES:

2.1 ATTENDANCE

2.2 APOLOGIES

3. PUBLIC QUESTION TIME:

3.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

3.2 PUBLIC QUESTION TIME

4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:

4.1 APPROVED LEAVE OF ABSENCE

4.2 APPLICATION FOR A LEAVE OF ABSENCE

5. CONFIRMATION OF MINUTES:

5.1 SPECIAL MEETING OF COUNCIL – 11 FEBRUARY 2021

Minutes of the Special Meeting of Council held 11 February 2021 are attached (attachment 5.1).

EXECUTIVE RECOMMENDATION:

That the Minutes from the Special Meeting of Council held 11 February 2021 be confirmed as a true and accurate record.

5.2 ORDINARY MEETING OF COUNCIL – 25 FEBRUARY 2021

Minutes of the Ordinary Meeting of Council held 25 February 2021 are attached (attachment 5.2).

EXECUTIVE RECOMMENDATION:

That the Minutes from the Ordinary Meeting of Council held 25 February 2021 be confirmed as a true and accurate record.

5.3 BUSH FIRE ADVISORY COMMITTEE – 22 FEBRUARY 2021

Minutes of the Bush Fire Advisory Committee meeting held 22 February 2021 are attached (attachment 5.3).

EXECUTIVE RECOMMENDATION:

That the Minutes of the Bush Fire Advisory Committee meeting held 22 February 2021 be received.

6. ANNOUNCEMENTS FROM PRESIDING MEMBER:

7. DISCLOSURE OF INTEREST:

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

9. PRESENTATIONS:

9.1 PETITIONS

9.2 PRESENTATIONS

9.3 DEPUTATIONS

10. MEETING CLOSED TO THE PUBLIC:

10.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED:

10.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 - Delegated Planning Decisions for February 2021
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 March 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.1.1 – Register of Delegated Development Approvals

BACKGROUND:

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

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in February 2021 is presented in Attachment 11.1.1.

COMMENT:

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

During February 2021, seven (7) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for February 2021 compared to February 2020:

	February 2020	February 2021
Delegated Decisions	2 (\$305,000)	7 (\$580,398)
Council Decisions	1 (\$50,000)	1 (\$1,500,000)
Total	3 (\$355,000)	8 (\$2,080,398)

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

STATUTORY ENVIRONMENT:

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

Regulation 19 of the *Local Government (Administration) Regulations 1996* requires that a written record of each delegated decision is kept.

POLICY IMPLICATIONS:

Applications for Development Approval must be assessed against the requirements of LPS3 and Local Planning Policies adopted by Council. These Policies include Local Planning Policy *LPP5 Consultation* which details the level and scope of advertising required for Applications for Development Approval.

Each application processed under delegated authority has been processed and advertised, and has been determined to be consistent with the requirements of all adopted Local Planning Policies.

FINANCIAL IMPLICATIONS:

The required planning fees have been paid for all applications for Development Approval processed under delegated authority.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATION:

That Council receives the report on Delegated Development Approvals for February 2021 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2 - Audit Advisory Committee Terms of Reference
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	ADM 18
AUTHOR:	Susan Fitchat – Corporate Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Manager Corporate & Community Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 March 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 – Shire of Nannup Audit Advisory Committee Terms of Reference

BACKGROUND:

At its meeting on 24 October 2013 Council established the Audit Advisory Committee. Amendments are required to the Terms of Reference as the choice of Auditor is no longer relevant as the Auditor General currently audits Local Government: -

- The Auditor General Following proclamation of the Local Government Amendment (Auditing) Act 2017, the Auditor General becomes responsible for the annual financial report audit of Western Australian Local Governments. The annual financial statement audit of the Shire of Nannup was completed by the Auditor General for the first time for the year ended 30 June 2019
- Contractor Appointment – AMD Chartered Accountants (“AMD”) AMD has been contracted by the Auditor General to perform the Shire of Nannup financial report audit on the Auditor General’s behalf for the year ending 30 June 2020. The OAG and AMD are currently our auditors until the OAG engage another contractor.

COMMENT:

Audit Advisory Committee

This is a statutory committee established under the Local Government Act 1995. Amendments to the Local Government (Audit) Regulations 1996 require a local Government’s Audit Committee to consider the report from the Chief Executive Officer reviewing the internal control environment of the council. This duty has been incorporated into the Terms of Reference (Attachment 1).

FINANCIAL IMPLICATIONS:

Elected Members receive a Committee attendance fee.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATION:

1. As recommended by the Audit Committee
2. The amended Terms of Reference be adopted.

AGENDA NUMBER & SUBJECT:	11.3 - Shire of Nannup Annual Financial Statements 2019-20
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	
AUTHOR:	Susan Fitchat – Corporate Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Manager Corporate & Community Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	21 March 2021
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.3.1 – Annual Financial Statements 2019-20 11.3.2 – Audit Opinion 11.3.3 – Management Letter

BACKGROUND:

Section 6.1.17 of the Local Government Act 1995 (The Act) stipulates that a Local Government is to prepare an Annual Financial Statement for each financial year.

COMMENT:

The Annual Financial Statements were received by the Auditors by 30 September 2020; in compliance with Section 6.1.17

The Independent Auditors Report (the report) and the Annual Financial statements have now been received from The Office of the Auditor General and are included as an attachment to this item. Within the report it is noted that the Auditor’s opinion is that all financial statements are:

- (i) based on proper accounts and records; and
- (ii) fairly represents, in all material respects, the results of the operations of Shire of Nannup for the year ended 30 June 2020 and its financial position at the end of that period in accordance with the Local Government Act 1995 (the Act) and, to the extent that they are not inconsistent with the Act, Australian Accounting Standards.

Requirements of *The Act* S7.12A(2) and (3) state:

(2) Without limiting the generality of subsection (1), a local government is to meet with the auditor of the local government at least once in every year.

(3) A local government must —

(aa) examine an audit report received by the local government; and

(a) determine if any matters raised by the audit report, require action to be taken by the local government; and

(b) ensure that appropriate action is taken in respect of those matters.

Regulatory Requirements included with Auditors report

In accordance with the Local Government (Audit) Regulations 1996 I report that:

- (i) In my opinion, the following material matters indicate significant adverse trends in the financial position of the Shire:
 - a. The Operating Surplus Ratio as reported in Note 28 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for the last three financial years.
 - b. The Asset Sustainability Ratio as reported in Note 28 of the annual financial report is below the Department of Local Government, Sport and Cultural Industries' standard for the last two financial years with the current year also being below the previous year.
- (ii) The following material matters indicating non-compliance with Part 6 of the *Local Government Act 1995*, the Local Government (Financial Management) Regulations 1996 or applicable financial controls of any other written law were identified during the course of my audit:
 - a. The Shire has not reported the Asset Renewal Funding Ratio for 2020, 2019 and 2018 in the annual financial report as required by section 50(1) of the Local Government (Financial Management) Regulations 1996, as management could not confirm the reliability of the available information on planned capital renewals and required capital expenditure in the long-term financial plan and asset management plan respectively.
 - b. For approximately 27% of purchase transactions we sampled, expenditure was not supported by an authorised purchase order. We also noted two of the purchase orders we sampled were dated after the dates of the corresponding supplier invoices. These practices increase the risk of fraud or favouritism of suppliers, not obtaining value for money in procurement, and inappropriate or unnecessary purchases.
 - c. Reconciliations for property, plant and equipment, and infrastructure were not being performed. Reconciliations are a key control for ensuring the completeness and accuracy of financial data within the general ledger and the information reported in the financial statements.
- (iii) All required information and explanations were obtained by me.
- (iv) All audit procedures were satisfactorily completed.
- (v) In my opinion, the Asset Consumption Ratio included in the annual financial report was supported by verifiable information and reasonable assumptions.

Final Management Report

There were 3 findings within the Final Management Report. This report is attached for Council consideration. Officers have noted auditor's comments and responded with actions to be taken in the future to address concerns.

STATUTORY ENVIRONMENT:

Section 7.12A of the Local Government Act 1995 deals with the duties of Local Government with respect to audits as follows:

- (3) A local government is to examine the report of the auditor prepared under section 7.9(1), and any report prepared under section 7.9(3) forwarded to it, and is to —
 - (a) determine if any matters raised by the report, or reports, require action to be taken by the local government; and
 - (b) ensure that appropriate action is taken in respect of those matters.
- (4) A local government is to —
 - (a) prepare a report on any actions under subsection (3) in respect of an audit conducted in respect of a financial year; and
 - (b) forward a copy of that report to the Minister, by the end of the next financial year, or 6 months after the last report prepared under section 7.9 is received by the local government, whichever is the latest in time.

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

None.

STRATEGIC IMPLICATIONS:

None.

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATION:

1. That Council accept the audited Annual Financial Statements for the Shire of Nannup, for the financial year 2019-20.
2. That Council acknowledges the findings of the management letter issued by The Office of the Auditor General as a result of the audit of the Annual Financial Statements and endorses the comments provided by management.

AGENDA NUMBER & SUBJECT:	11.4 – Compliance Audit Return 2020
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Department of Local Government, Sport & Cultural Industries
FILE REFERENCE:	ADM 14
AUTHOR:	Sarah Dean – Governance Officer
REPORTING OFFICER:	Kim Dolzadelli – Manager Corporate & Community Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	18 March 2021
ATTACHMENT:	11.4.1 - 2020 Compliance Audit Return

BACKGROUND:

Council is required by section 14 of the Local Government Audit Regulations 1996 to complete a Compliance Audit Return each year covering the period 1 January to 31 December. The Compliance Audit Return is to be:

1. Reviewed and endorsed by the Audit Advisory Committee.
2. Presented to Council at an Ordinary Meeting of Council.
3. Adopted by the Council.
4. The adoption recorded in the minutes of the meeting at which it is adopted.
5. Signed by the Shire President and Chief Executive Officer and returned to the Department of Local Government with a copy of the Council minutes of the meeting at which it was received.
6. Submitted to the Department for Local Government by 31 March each year.

The Return was reviewed by the Audit Committee prior to its adoption by Council.

COMMENT:

The 2020 Compliance Audit Return contains 102 questions of which:

- 57 were complied with;
- 44 were not applicable to the Shire of Nannup during the year under review.
- 1 matter was deemed to be non-compliant.

The areas of non-compliance detected were as follows: -

Finance Questions

Question 5 – *Was the auditor’s report for the financial year ended 30 June 2020 received by the local government by 31 December 2020?*

Comment – Council could not receive the auditor’s report prior to 31 December 2020 as the report was not received by the Shire of Nannup until March 2021.

STATUTORY ENVIRONMENT:

Section 14 of the *Local Government Audit Regulations 1996*

- (3A) The local government’s audit committee is to review the compliance audit return and is to report to the council the results of that review.
- (3) After the audit committee has reported to the council under sub-regulation (3A), the compliance audit return is to be —
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

Nil

VOTING REQUIREMENTS:

Absolute Majority.

RECOMMENDATION:

That Council adopts the Local Government Compliance Audit Report for the Shire of Nannup for the period 1 January 2020 to the 31 December 2020, noting the comments made by the Chief Executive Officer in respect to one (1) area of non-compliance, and authorises the Shire President and Chief Executive Officer to sign and submit the report to the Department of Local Government as required.

AGENDA NUMBER & SUBJECT:	11.5 - Monthly Accounts for Payment - February 2021
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Kim Dolzadelli – Manager Corporate & Community Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	10 March 2021
ATTACHMENT:	11.5.1 – Accounts for Payment – February 2021

BACKGROUND:

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 January to 28 February 2021 as detailed hereunder and noted on the attached schedule, are submitted to Council.

COMMENT:

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

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

Municipal Account

Accounts paid by EFT	13314-13393	251,306.39
Accounts paid by cheque	20499	60.75
Accounts paid by Direct Debit	DD11050.2-DD11071.13	42,030.68
<i>Sub Total Municipal Account</i>		<u>\$283,397.82</u>

Trust Account

Accounts paid by EFT	13365-13366	4,216.14
<i>Sub Total Trust Account</i>		<u>4,216.14</u>
Total Payments		<u><u>\$297,613.96</u></u>

STATUTORY ENVIRONMENT:

LG (Financial Management) Regulation 13

POLICY IMPLICATIONS:

None.

FINANCIAL IMPLICATIONS:

As indicated in Schedule of Accounts for Payment.

STRATEGIC IMPLICATIONS:

None.

VOTING REQUIREMENTS:

Simple Majority.

RECOMMENDATION:

That the List of Accounts for Payment for the Nannup Shire Municipal and Trust Account fund totalling \$297,613.96 1 February 2021 to 28 February 2021 in the attached schedule(s) be endorsed.

AGENDA NUMBER & SUBJECT:	11.6 – Statutory Budget Review incorporating Monthly Financial Statement of Activity as at 28 February 2021
LOCATION/ADDRESS:	N/A
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC3
AUTHOR:	Kim Dolzadelli – Manger Corporate and Community Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	22 March 2021
PREVIOUS MEETING REFERENCE:	N/A
ATTACHMENT:	11.6.1 – Budget Review as at 28 February 2021

BACKGROUND:

Council adopted its 2020/2021 Municipal Budget at its Special Council Meeting held 30 July 2020. It is now appropriate that a review of the Budget be put before Council for consideration and indeed this is required by Legislation.

COMMENT:

The budget review has been prepared to include information required by the Local Government Act 1995, Local Government (Financial Management) Regulations 1996 and Australian Accounting Standards.

Direct consultation has occurred with the Chief Executive Officer and Managers.

The attached document shows a line by line comprehensive list of all amendments being sought with commentary.

STATUTORY ENVIRONMENT:

Local Government Act 1995 section 6.2 Municipal Budget
Local Government (Financial Management) Regulations 1996 Regulation 33A

Regulation 33A. Review of budget

(1) Between 1 January and 31 March in each financial year a local government is to carry out a review of its annual budget for that year.

(2A) The review of an annual budget for a financial year must —

- a) *consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- b) *consider the local government’s financial position as at the date of the review; and*
- c) *review the outcomes for the end of that financial year that are forecast in the budget.*

(2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

(3) A council is to consider a review submitted to it and is to determine whether or not to adopt the review, any parts of the review or any recommendations made in the review.*

**Absolute majority required.*

(4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

POLICY IMPLICATIONS:

Nil

FINANCIAL IMPLICATIONS:

The 2020/21 adopted Municipal Budget provided for a Balanced end of year surplus position. Assuming Council accepts the Officers recommendation to amend the budget as per the attached summary, the net impact on the end of year position would result in the end of year estimated Surplus position remaining at a balanced position.

STRATEGIC IMPLICATIONS:

The Budget amendment includes the addition of a “BUDGET CONTINGENCY” account with a proposed Budget of \$50,000 with the stated purpose being “Budget contingency to allow Council to fund unforeseen maintenance and capital requirements as well as use as matching funding for Grants that may become available through the year.

The officer believes this to be a prudent amount to be retained given that we have a number of large unfinished capital expenditure items and the remaining months of the financial year.

VOTING REQUIREMENTS:

Absolute Majority.

RECOMMENDATION:

That Council adopt the 2020/21 Budget Review, including endorsement of proposed amendments to the 2020/21 Municipal Budget as detailed in the attached "BUDGET REVIEW as at 28 February 2021 - incorporating Monthly Financial Statements, resulting in a projected balanced end of year position.

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

13. URGENT BUSINESS:

14. CLOSURE OF MEETING:
