



# **Agenda**

**Ordinary Council Meeting to be held Thursday 15 December 2022**

**4.30pm in Council Chambers, 15 Adam Street, Nannup**

**PUBLIC COPY**

**PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING**

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Any statement, comment or decision made at a Council meeting regarding any application for an approval, consent or licence, including a resolution of approval, is not effective as an approval of any application and must not be relied upon as such.

Any person or entity who has an application before the Shire of Nannup must obtain, and should only rely on, written notice of the Shire of Nannup's decision and any conditions attaching to the decision, and cannot treat as an approval anything said or done at a Council meeting.

Any advice provided by an employee of the Shire of Nannup on the operation of a written law, or the performance of a function by the Shire of Nannup, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Shire of Nannup. Any advice on a matter of law, or anything sought to be relied upon as a representation by the Shire of Nannup should be sought in writing and should make clear the purpose of the request. Any plans or documents in Agendas and Minutes may be subject to copyright.



## Contents

<b>1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGEMENT OF COUNTRY:</b>	2
<b>2. ATTENDANCE/APOLOGIES:</b>	2
<b>2.1 ATTENDANCE</b>	2
<b>2.2 APOLOGIES</b>	2
<b>3. PUBLIC QUESTION TIME:</b>	2
<b>4. MEMBERS ON LEAVE OF ABSENCE AND APPLICATIONS FOR LEAVE OF ABSENCE:</b>	2
<b>4.1 APPROVED LEAVE OF ABSENCE</b>	2
<b>4.2 APPLICATION FOR A LEAVE OF ABSENCE</b>	2
<b>5. CONFIRMATION OF MINUTES:</b>	2
<b>5.1 Ordinary Council Meeting – 24 November 2022</b>	2
<b>5.2 Western Australian Local Government Association – South West Zone – 25 November 2022 Minutes</b>	2
<b>6. ANNOUNCEMENTS FROM PRESIDING MEMBER:</b>	3
<b>7. DISCLOSURE OF INTEREST:</b>	3
<b>8. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN:</b>	3
<b>9. PRESENTATIONS/DEPUTATIONS/PETITIONS:</b>	3
<b>10. REPORTS BY MEMBERS ATTENDING COMMITTEES:</b>	3
<b>11. REPORTS OF OFFICERS:</b>	4
11.1 – Delegated Planning Decisions for November 2022	4
11.2 – Proposed Comment of Draft Forest Management Plan 2024 - 2033	6
11.3 – Financial Activity Statement – July to October 2022	12
11.4 – Payment of Accounts – October 2022	14
11.5 – Western Australian Local Government Association Best Practice Governance Review	16
<b>12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:</b>	19
<b>13. MEETING MAY BE CLOSED:</b>	19
<b>14. CLOSURE OF MEETING:</b>	19

---

## **A G E N D A**

---

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

---

Shire President to declare the meeting open and welcome the public gallery.

Shire President to acknowledge the traditional custodians of the land, the Wardandi and Bibbulmun people; paying respects to Elders past, present and emerging.

### **2. ATTENDANCE/APOLOGIES:**

---

#### **2.1 ATTENDANCE**

#### **2.2 APOLOGIES**

### **3. 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 Ordinary Council Meeting – 24 November 2022**

##### **EXECUTIVE RECOMMENDATION:**

That the Minutes from the Ordinary Meeting of Council held 24 November 2022 be confirmed as a true and correct record (attachment 5.1).

#### **5.2 Western Australian Local Government Association – South West Zone – 25 November 2022 Minutes**

##### **EXECUTIVE RECOMMENDATION:**

That the Minutes from the meeting of WALGA South West Zone held 25 November 2022 be received (attachment 5.2).

---

**6. ANNOUNCEMENTS FROM PRESIDING MEMBER:**

---

Nil.

---

**7. DISCLOSURE OF INTEREST:**

---

Division 6: Sub-Division 1 of the *Local Government Act 1995*. Care should be taken by all Councillors to ensure that a financial/impartiality interest is declared and that they refrain from voting on any matter, which is considered to come within the ambit of the Act.

Where a member has disclosed a financial or proximity interest in an item, they must leave the Chamber for consideration of that item.

Where a member has disclosed an impartiality interest in an item, they may remain in the Chamber. The member is required to bring an independent mind to the item and decide impartially on behalf of the Shire of Nannup and its community.

The Shire of Nannup Declaration Register is on our website [here](#).

---

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

---

---

**9. PRESENTATIONS/DEPUTATIONS/PETITIONS:**

---

---

**10. REPORTS BY MEMBERS ATTENDING COMMITTEES:**

---

## 11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Delegated Planning Decisions for November 2022
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 December 2022
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.4 (LPS4) and adopted Council policy.

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in November 2022 is presented in Attachment 11.1.1.

### COMMENT:

As shown in the attachment, each application has been advertised in accordance with LPS4 and Council's adopted Local Planning Policy *LPP5 Consultation* as detailed in the Policy Implications section of this report.

During November 2022, two (2) development applications were determined under delegated authority. The table below shows the number and value of development applications determined under both delegated authority and by Council for November 2022 compared to November 2021:

	November 2021	November 2022
<b>Delegated Decisions</b>	5 (\$124,520)	2 (\$55,000)
<b>Council Decisions</b>	1 (\$50,000)	0
<b>Total</b>	<b>6 (\$174,520)</b>	<b>2 (\$55,000)</b>

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

**STATUTORY ENVIRONMENT:**

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

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

**POLICY IMPLICATIONS:**

Applications for Development Approval must be assessed against the requirements of LPS4 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

**OFFICER RECOMMENDATION:**

That Council receives the report on Delegated Development Approvals for November 2022 as per Attachment 11.1.1.

AGENDA NUMBER & SUBJECT:	11.2 – Proposed Comment of Draft Forest Management Plan 2024 - 2033
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Department of Biosecurity, Conservation and Attractions
FILE REFERENCE:	DEP 5
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 December 2022
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 – Department of Biodiversity, Conservation & Attractions Draft Forest Management Plan 2024-2033 Submission

## **BACKGROUND:**

The Conservation Commission/Department of Biodiversity, Conservation and Attractions (DBCA) have released the Draft Forest Management Plan 2024-2033 for public comment, with the comment period closing on 18 December 2022.

Western Australia's south-west forests are managed under the WA Regional Forest Agreement (RFA), a 20-year agreement between the Western Australian and Australian Governments. Regional Forest Agreements are long-term plans for the sustainable management and conservation of Australia's native forests. RFAs seek to balance economic, social and environmental demands on forests by setting obligations and commitments for forest management that deliver:

- certainty of resource access and supply to industry – building investment confidence;
- ecologically sustainable forest management – ensuring forests are appropriately managed and regenerated; and
- an expanded and permanent forest conservation estate – to provide for the protection of Australia's unique forest biodiversity.

The south-west forests, and the biodiversity they support are under increasing pressure from threats such as climate change, habitat loss and fragmentation, weeds and pest animals, altered hydrological regimes and inappropriate fire regimes.

Historically, the native timber industry has been one of the main forest-based industries in the south-west. The Warren-Blackwood Region forests provide direct and indirect socio-economic benefits and jobs in the Shire of Nannup for a range of industries such as timber, tourism and recreation, basic raw materials (BRM), pest management, floristry, bee keeping, revegetation, machinery, milling processing and other forest-based business activities (firewood, burls, cones, craft wood, seeds).

On 8 September 2021, the State Government announced native forest logging would end from 2024. The most significant change for forest management from 2024 will be the cessation of large-scale commercial timber harvesting in native forests. In future the only timber to be removed from native forests will be sourced from management activities that improve forest health (such as ecological thinning) or clearing for approved mining operations and infrastructure.

Given the importance of the ongoing forest management to the Shire of Nannup and its residents, Council is requested to consider a draft submission on the Plan as prepared by Shire Officers.

#### **COMMENT:**

As outlined within the draft Forest Management Plan 2024-2033, the new draft plan differs significantly from the previous plan in terms of its objectives and format. Preparation of the document by the State was preceded by two very strategic matters, being:

- a) The South West Native Title Settlement being operational in February 2021, reflecting the need for the State to partner with the traditional owners in managing the conservation estate; and
- b) The State Government announcing on 8 September 2021 that it was ending commercial timber harvesting from 2024.

Responding to these matters, climate change and a desire to enhance the conservation reserve system (consistent with the WA Regional Forest Agreement), the revised approach is incorporated within the following strategic goals as outlined in the plan:

- 1. *To value and protect Noongar cultural heritage and support Noongar Traditional Owner involvement;*
- 2. *To conserve biodiversity and support ecosystem resilience;*
- 3. *To maintain or improve forest health and enhance climate resilience; and*
- 4. *To deliver social and economic benefits through the provision of goods and services.*

No longer is the maintenance of productive capacity (as outlined in the current plan) a primary focus of the management document, although section 5.6.3 relates to forest based resources. Proposed recommendations relating to forest based resources are addressed under point 5 of the Comment Section of this item.

#### **Stated Intent when dealing with Submissions**

Whilst inviting comments on the future management of south-west forests, the document advises that for submissions to be effective, they need to be clear and concise, refer to page number or specific sections of the plan, clearly state reasons for agreeing with or disagreeing with the plan, provided sources for information in support of the comments and suggest alternatives for those aspects of the plan with which you disagree. The Plan furthermore states that:

1. The plan may be modified if a submission provides additional information of direct relevance to management, indicates or clarifies a change in legislation or management policy OR indicates omissions, inaccuracies or a lack of clarity; and
2. The Plan will not be modified if submissions support the plan, makes general or neutral statements, refers to issues beyond the scope of the plan, refers to matters already included or considered during its preparation, is one among several widely divergent viewpoints on the topic, contributes options that are not feasible or based on unclear or factually incorrect information.

Given the above, it is clear that to have effect, any submission from the Shire must be clear, specific and supported in fact.

### Proposed Shire Submission

It is recommended that a submission is made by the Shire on the following sections of the plan:

#### 1. Fire Management

The objectives of the plan are to manage fire in the planning area, protect life, communities and assets from the impacts of bushfire and to use and respond to fire to promote the maintenance of forest health, the conservation of biodiversity and mitigate the risk of bushfire in the planning area. The Management Activities state that there is a need to maintain capacity in fire management including prescribed fire, bushfire mitigation, detection and suppression.

In responding to requests to comments on planning applications, DBCA officers consistently advise that there should be no reliance on mitigation works within the conservation estate. Shire Officer's experience is that firebreaks are not consistently installed or maintained abutting existing development or town sites.

In a drying climate, it is recommended that any submission from the Shire:

- a) Request that the plan specifically refer to the maintenance of existing logging access roads, including bridges, for the purposes of fire mitigation;
- b) The State give consideration to additional fire resources and mitigation budgets to ensure required firebreaks are established and maintained annually; and
- c) The plan support improvements and expansion of the Manjimup Airport and Nannup Airstrip to cater for larger numbers of aircraft movements and supporting services and facilities as may be required.

#### 2. Weed Management

The Plan makes the statement that for most weed species their control, or eradication is expensive, so preventing their introduction is a more cost effective option. Current recommendations in the plan do not address the need to increase efforts to control or eradicate weed species although the preceding text refers to management goals for localised eradication, density reduction and containment.

Weeds can have a significant impact on the health, environment and the biodiversity of the conservation estate and adjacent lands. It is regularly observed that weed species are located within the conservation estate on both private property and other crown reserves. It is recommended that the Shire submission urge for the Management activity to include a recommendation for increased actions in terms of weed management.

### 3. Pest Animals

The document recognises that feral fox and cats are the most significant pests due to their impact on native flora, fauna. The Management Plan also recognise pigs, stating that the potential for effective management with localised eradication is feasible and that deer populations are small and localised so the opportunity exists to control or eradicate them.

The document does not however currently make reference to goats or the Brumbies in the Lake Muir Area.

The effects on flora from introduced species such as pigs, deer, goats and horses has the ability to result in increased weed invasion due to denuding of native vegetation and transfer of weeds.

Shire Officers recognise the difficulties and costs associated with addressing feral and pest animals. It is however recommended that the management activities should be aimed at eradication of feral pigs, deer, goats and Brumbies in addition to foxes and cats.

### 4. Nature Based Tourism and Recreation

The Management Plan recognises the potential for social and economic benefits of nature based tourism. This is seen to be an opportunity to offset some of the impacts associated with the cessation of commercial logging.

Currently the document contains a number of generalised management activities around quality recreation and tourism based facilities in suitable locations. With Nature Based Tourism being seen as a major opportunity to reduce the impact of the State Government decision to end native forest logging, it is recommended that the need to expand Nature Based Tourism opportunities within the Warren Blackwood area needs to be recognised within the draft management plan.

### 5. Forest Based Resources

Potential issues with no reference to commercial firewood operators and the fact that comments around ecological thinning are generalised.

Ecological thinning is an active forest management tool that involves the selective removal of individual trees to improve or maintain ecological values and reduce the current and future moisture stress of a given area. Ecological thinning aims to reduce competition between trees and facilitate persistence of the remaining vegetation, thereby maintaining greater structural diversity of habitat types.

Salvaging and removing the by-products of ecological thinning will reduce the bush fire hazard and make available a renewable forest product to stimulate local economic activity. Ecological thinning and salvaging will create a disturbance in the forest, as reported though the research program FORESTCHECK this disturbance may be beneficial for biodiversity.

The DBCA research program called FORESTCHECK is an integrated monitoring project, designed to provide information to forest managers about changes and trends in biodiversity associated with forest activities. The information gained from FORESTCHECK highlights the extraordinary diversity of life that thrives in the jarrah forest. Results published on the DBCA website detail that timber harvesting in the jarrah forest does not appear to have had a major impact on the number of species present. Further to this they clarify that:

- Analysis shows that harvested forest has a different composition of species to non-harvested forest.
- The change in species composition is necessary for ecological processes to continue and is one reason why the jarrah forest is so diverse.

It is recommended that components of the draft Forest Management Plan relating to these issues be supported.

## 6. Impact on Forest Based Business

Aside from the obvious impacts on the timber harvesting, milling and wood supply industries, the State Government decision to end native forest logging will have a significant impact on other forest-based business activities relating to firewood, burls, cones, craft wood, seeds and other flora. The draft Forest Management Plan does not address this impact on furniture manufacturers or the native flora harvesting industry, leaving their future uncertain. Whilst no doubt representatives from these industries will be making their own submissions on the draft document, it is recommended that the Shire of Nannup also make comment on this issue.

### Need for Key Performance Indicators

In order to accurately measure the success of the draft Management Plan, it is considered that a full range of Key Performance Indicators are required.

### Conclusion

As reflected within the comment section above, the plan contains many generic statements regarding the ongoing management of the Conservation Estate.

Many aspects of the draft Forest Management Plan 2024-2033 lack detail and as a result there is much uncertainty regarding the ongoing viability of many businesses within the Shire that are dependent on products associated with Conservation Estate located within the district.

## **STATUTORY ENVIRONMENT:**

### *Conservation and Land Management Act 1984 (CALM Act)*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Whilst there is no direct financial implications for the Shire of Nannup, the draft Forest Management Plan will have significant impact on many businesses that are reliant on forest based products.

**STRATEGIC IMPLICATIONS:**

Shire of Nannup Strategic Community Plan 2021-2036 - Our Economy – Strategy 2.1 We will grow our economy in ways that add value to our community and create diverse opportunities for our residents. Strategy 2.2 We will work together to attract people, investment and innovation to our Shire.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council endorse attachment 11.2.1 as the submission from the Shire of Nannup for the Draft Forest Management Plan 2024 – 2033.

AGENDA NUMBER & SUBJECT:	11.3 – Financial Activity Statement – July to October 2022
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager Corporate Services/Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	7 December 2022
ATTACHMENTS:	11.3.1 – Financial Activity Report – July 2022 11.3.2 – Financial Activity Report – August 2022 11.3.3 – Financial Activity Report – September 2022 11.3.4 – Financial Activity Report – October 2022

#### **BACKGROUND:**

The financial statements are presented to Council in accordance with the *Local Government Act 1995* and the *Local Government (Financial Management) Regulations 1996*.

Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, stipulate that a Local Government is to prepare each month a statement of financial activity reporting on the sources and applications of funds.

Section 6.4 of the *Local Government Act 1995*, requires that financial reports be prepared and presented in the manner and form prescribed in the *Local Government (Financial Management) Regulations*.

The requirement is for a Statement of Financial Activity with a report detailing material variances. The Financial Report presented includes this as well as other statements and supplementary information.

#### **COMMENT:**

The Financial Statements for the periods ending 31 July, 31 August, 30 September and 31 October 2022 present the financial performance of the Shire for the 2022/23 financial year and compare year to date expenditure and revenue against the corresponding year to date budget.

Attached for consideration is the completed Monthly Financial Reports as per Attachments 11.3.1, 11.3.2, 11.3.3 and 11.3.4.

The documents attached includes Statements of Financial Activity by Nature or Type, Notes to the financial statements and an explanation of material variances.

**STATUTORY ENVIRONMENT:**

*Local Government Act 1995, Section 6.4.*

*Local Government (Financial Management) Regulations 1996, Regulation 34.*

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple Majority.

**OFFICER RECOMMENDATION 1 OF 4:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the period ending 31 July 2022 as per Attachment 11.3.1.

**OFFICER RECOMMENDATION 2 OF 4:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the period ending 31 August 2022 as per Attachment 11.3.2.

**OFFICER RECOMMENDATION 3 OF 4:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the period ending 30 September 2022 as per Attachment 11.3.3.

**OFFICER RECOMMENDATION 4 OF 4:**

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statement for the period ending 31 October 2022 as per Attachment 11.3.4.

AGENDA NUMBER & SUBJECT:	11.4 – Payment of Accounts – October 2022
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
REPORTING OFFICER:	Kellie Jenkins – Manager of Corporate Services & Deputy Chief Executive Officer
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	7 December 2022
ATTACHMENT:	11.4.1 – Payment of Accounts – October 2022

**BACKGROUND:**

To advise Council of payments made from the municipal fund or trust fund for the period 1 October to 31 October 2022.

**COMMENT:**

If Council would like to ask questions about the payment of accounts, prior notice of these questions will enable officers to provide detailed explanation in response at the Council meeting.

**Municipal Account**

Accounts paid by EFT	15159 to 15261	\$186,422.21
Accounts paid by cheque	Nil	\$0.00
Accounts paid by Direct Debit	11832.1 to 11928.1	\$49,195.38
<i>Sub Total Municipal Account</i>		<u>\$235,617.59</u>

**Trust Account**

Accounts paid by EFT	15234 to 15237	\$8,060.24
<i>Sub Total Trust Account</i>		<u>\$8,060.24</u>
<b>Total Payments</b>		<u><b>\$243,677.83</b></u>

**STATUTORY ENVIRONMENT:**

Regulation 13(2) of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of accounts approved for payment under delegated authority showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the meeting of the Council to which the list is to be presented.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

As indicated in Payment of Accounts.

**STRATEGIC IMPLICATIONS:**

Nil.

**VOTING REQUIREMENTS:**

Simple majority

**OFFICER RECOMMENDATION:**

That Council endorse the payment of accounts totally \$243,677.83 for the period 1 October 2022 to 31 October 2022 as per Attachment 11.4.1.

AGENDA NUMBER & SUBJECT:	11.5 – Western Australian Local Government Association Best Practice Governance Review
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Western Australian Local Government Association (WALGA)
FILE REFERENCE:	DEP 14
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	2 December 2022
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.5.1 – WALGA Governance Review – Background Paper 11.5.2 – WALGA Governance Review – Consultation Paper Model Options
















## BACKGROUND:

The Western Australian Local Government Association (WALGA) is currently undertaking a governance review particularly focussed on organisation composition and structure. As a shareholder and member of WALGA, the Shire of Nannup has been consulted on the proposed options.

Both attachments should be read together to assist Council in their decision making and the purpose of this report is for Council to determine which governance model they support.

## COMMENT:

There are five governance model options identified in the Consultation Paper and they are best summarised by an extract from the Consultation Paper.

Option 1 – Two tier model, existing Zones	Option 2 – Board, Regional Bodies	Option 3 – Board, Amalgamated Zones	Option 4 – Member elected Board, Regional Groups	Option 5 – Current Model
 Board (11 members) 8 elected from Policy Council, incl. Board elected President Up to 3 independents	 Board (11 members) 8 elected from Regional Bodies, incl. Board elected President Up to 3 independents	 Board (15 members) 12 elected from Zones, incl. Board elected President Up to 2 independents	 Board (11 members) 8 elected via direct election, incl. Board elected President Up to 3 independents	 State Council (25 members) 24 State Councillors 1 President
 Policy Council (25 members) 24 members plus President	 Regional Bodies (4 metro, 4 country)	 Zones (6 metro, 6 country)	 Policy Teams / Forums / Committees	 Zones (5 metro, 12 country)
 Zones (5 metro, 12 country)	 Policy Teams / Forums / Committees	 Policy Teams / Forums / Committees	 Regional Groups	 Policy Teams / Forums / Committees

### Option 1 – Two Tier Model, Existing Zones

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. A Policy Council would be established under the same arrangements as State Council and the existing WALGA zones would be retained.

This model is considered to be more of a contemporary Board arrangement with a focus on WALGA strategy. The representation across the Local Government sector is retained as part of the Policy Council and the WALGA Zones enable the necessary local input. The Shire of Nannup would retain direct representation as part of the South West Zone of WALGA (SWALGA) as part of the third tier in the model.

### Option 2 – Board, Regional Bodies

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. Differently this option creates four regional bodies with flexibility for individual Local Governments to join whichever body is most suitable for them. The third layer will be Policy Teams, Forums and Committees comprising membership from the Board, Regional Bodies and independent members.

Whilst this model creates a contemporary Board structure it is a very significant shift away from State Council and WALGA zones. This may lead to significantly less local representation and for this reason alone is not supported.

### Option 3 – Board, Amalgamated Zones

This option creates a Board comprising 15 members that includes 6 metropolitan and 6 country elected from zones and up to 2 independent skills based members. The President is to be elected by the Board. Zones are retained but are amended into 6 metropolitan and 6 country zones. Under the proposal the SWALGA catchment is expanded to include Local Governments in the Great Southern district. The third layer will be Policy Teams, Forums and Committees comprising membership from the Board and independent members.

Whilst this model creates a contemporary Board structure, this option will retain some local representation but will increase the size of the current SWALGA zone comprising 12 member local governments by incorporating another 11 local governments from the Great Southern area to form a new zone with 23 member local governments. This is considered very problematic due to the actual number of members and the vast distances between the grouping.

### Option 4 – Member Elected Board, Regional Groups

This option creates a Board comprising 11 members that includes 4 metropolitan, 4 country and 3 independent skills based members. It also utilises Policy Teams, Forums and Committees comprising membership from the Board and independent members. The third layer relies on Regional Groupings of Local Governments of many characteristics to feed upward in to the model.

The Shire of Nannup is a member of the Warren Blackwood Alliance of Councils comprising the Shires of Nannup, Bridgetown-Greenbushes, Manjimup, Donnybrook-Balingup and Boyup Brook and under this model this would be the most likely Regional Group that would participate as the third tier in the model. Again there is some concern that this model may reduce representation from individual Local Government organisations in addition to presenting a number of issues if local governments are unable to be part of effective regional groupings.

#### Option 5 – Current Model

Under this existing model, State Council comprises 24 members plus the President. Members of State Council are elected from the 5 metropolitan zones and the 12 country zones. 12 members from the metropolitan zones and 12 members of the country zones form the State Council plus the elected State Council President. The Shire of Nannup is part of the 12 Local Government members of SWALGA which elected Cr Tony Dean as SWALGA's representative on State Council. The current model utilises Policy Teams, Forums and Committees made up of State Council members and independent members as the third tier in the model.

Generally, the current model works though it is likely that the State Council is unwieldy due to its membership size. However given the number of Local Government organisations in Western Australia (139) covering vast areas with many different complex issues to navigate, the current membership at least enables very strong representation equally for all.

#### Conclusion

It is considered that options 2, 3 and 4 have a greater chance of reducing local government representation on WALGA and are not supported. Option 5 being the current model is effective but it is far from contemporary and possibly unwieldy due to its size. Option 1 creates a contemporary Board structure whilst retaining the most important representation attributes of the current model and for this reason it is recommended.

#### **STATUTORY ENVIRONMENT:**

WALGA is currently recognised by the *Local Government Act 1995*. Under current Local Government reform proposal it is likely that this recognition will be removed however WALGA will still remain as the collective advocacy representative for Local Government members across Western Australia.

#### **POLICY IMPLICATIONS:**

Nil.

---

**FINANCIAL IMPLICATIONS:**

It is likely that under any Board structure as is proposed, Board members would receive fees for their services. This cost is not discussed in the consultation paper but could be in the order of \$50,000 to \$60,000 per member and more for office bearers such as the Board Chair. Whilst this cost would be spread across the 139 member Local Governments in Western Australia, it still is a significant cost that needs noting.

**STRATEGIC IMPLICATIONS:**

The Shire of Nannup is a shareholder and member of WALGA. It is important that peak industry groups such as WALGA exist so they can collectively represent the Western Australian Local Government sector.

**VOTING REQUIREMENTS:**

Simple Majority

**OFFICER RECOMMENDATION:**

That Council advise the Western Australian Local Government Association that:

1. It supports the Two Tier Model identified in Option 1 in the WALGA Best Practice Review Consultation Paper – Model Options; and
2. Expresses concerns at the potential magnitude of Board members fees associated with every identified Board option as this is not discussed in the consultation paper.

---

**12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:**

---

**13. MEETING MAY BE CLOSED:**

---

**14. CLOSURE OF MEETING:**

---

## Attachments

Item #	Attach	Title
<b>5.1</b>		24 November 2022 Ordinary Council Meeting Minutes
<b>5.2</b>		25 November 2022 WALGA South West Zone
<b>11.1</b>	1	Register of Delegated Development Approvals
<b>11.2</b>	1	Department of Biodiversity, Conservation & Attractions Draft Forest Management Plan 2024-2033 Submission
<b>11.3</b>	1	Financial Activity Report – July 2022
	2	Financial Activity Report – August 2022
	3	Financial Activity Report – September 2022
	4	Financial Activity Report – October 2022
<b>11.4</b>	1	Payment of Accounts – October 2022
<b>11.5</b>	1	WALGA Governance Review – Background Paper
	2	WALGA Governance Review – Consultation Paper Model Options