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**Nannup**  
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# Minutes

Thursday 26 March 2020 Ordinary Council Meeting

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# Minutes

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

The Shire President declared the meeting open at 5.30pm.

**2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE:**

**ATTENDANCE:**

Shire President: Cr T Dean

Councillors: C Buckland, C Brown, V Corlett, C Stevenson, V Hansen.

David Taylor – Chief Executive Officer

Tracie Bishop – Manager Corporate & Community Services

Jon Jones – Manager Infrastructure

**APOLOGIES:**

Cr Robin Mellema and Cr Patricia Fraser.

**VISITORS:**

Wayne Leece, Julie Leece, Len Gilchrist, Ian Gibb.

**3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE:**

Nil.

**4. PUBLIC QUESTION TIME:**

**Mr Ian Gibb**

**Q 1** When will the drought funding allocation of funds be made known to the residents of Nannup?

**A 1** Shire President:

Councillors have, prior to this meeting, taken time to consider the 40+ applications received and have arrived at a short list. This short list does require some follow up on in regards to some of the information contained within the submissions. At this point in time Council have directed staff to source the additional information and then begin the process of putting together a submission that will be sent through to the funding body for analysis. Only after all of these steps have been taken will the allocation of funds be made public as if funding is denied on one option it may result in a change to the overall accepted projects.

**5. APPLICATIONS FOR LEAVE OF ABSENCE:**

Nil.

**6. PETITIONS/DEPUTATIONS/PRESENTATIONS:**

Mr Ian Gibb made a presentation to Council on BIG N's current projects. It is included as an attachment.

**7. DECLARATIONS OF INTEREST:**

Cr Brown declared an Impartiality Interest in agenda item 12.6 - Request to revision of funding as she is a member of a committee (Nannup Arts Council Inc.) that finds itself in the same situation regarding community grant funding as the South West Food Bowl.

**8. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS:**

***20031 BROWN/STEVENSON***

***That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 27 February 2020 be confirmed as a true and correct record.***

***CARRIED (6/0)***

**9. MINUTES OF COUNCIL COMMITTEES:**

***20032 BROWN/STEVENSON***

***That the Minutes of the Local Emergency Management Committee Meeting held 19 February 2020 be received.***

***CARRIED (6/0)***

**10. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION:**

Nil.

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

<b>Date</b>	<b>Meeting</b>	<b>Councillor</b>
5 February	Tourism Committee	
19 February	Local Emergency Management Committee	
26 February	Audit Advisory Committee	

## 12. REPORTS BY OFFICERS:

AGENDA NUMBER:	12.1
SUBJECT:	Delegated Planning Decisions for February 2020
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	Various
FILE REFERENCE:	TPL18
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 March 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.1.1 – Register of Delegated Development Approvals

### BACKGROUND:

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

Delegated planning decisions are reported to Council on a monthly basis to ensure that Council has an appropriate level of oversight on the use of this delegation. A Register of Delegated Development Approvals, detailing those decisions made under delegated authority in February 2020 is presented in Attachment 12.1.1.

### COMMENT:

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

During February 2020, two (2) development applications was 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 2020 compared to February 2019:

	<b>February 2019</b>	<b>February 2020</b>
<b>Delegated Decisions</b>	8 (\$403,322)	2 (\$305,000)
<b>Council Decisions</b>	0	1 (\$50,000)
<b>Total</b>	<b>8 (\$403,322)</b>	<b>3 (\$355,000)</b>

67% of all approvals issued in the month of February were completed within the statutory timeframes of either 60 or 90 days. One application was determined outside of the statutory timeframe of 90 days due to the need to have the application considered by Council.

**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.

**RECOMMENDATION:**

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

**20033 BUCKLAND/HANSEN**

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

***CARRIED (6/0)***

AGENDA NUMBER:	12.2
SUBJECT:	Draft Local Planning Policy No. 23 – Plantation and Agroforestry: Submitted for consent to publicly advertise
LOCATION/ADDRESS:	Applies throughout the district
NAME OF APPLICANT:	
FILE REFERENCE:	ADM9
AUTHOR:	Jane Buckland – Development Services Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 March 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.2.1 - Draft Local Planning Policy No. 23 Plantation and Agroforestry 12.2.2 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>

## **BACKGROUND:**

The purpose of this report is to seek Council support to publicly advertise a draft planning policy relating to plantations and agroforestry.

The Shire does not have a Local Planning Policy on plantations or agroforestry. Accordingly, there is a lack of clarity on Shire expectations to applicants and the community including on preferred/non-preferred locations, matters to be addressed and procedural considerations.

The local government recognised the need to develop a plantation and agroforestry policy through the review of the Local Planning Strategy. The draft policy, outlined in Attachment 12.2.1, is intended to generate community discussion and, in time, provide clearer guidelines for assessing Development Applications. A finalised policy is intended to provide increased guidance to the Council, the Shire administration, landowners and applicants and assist in more consistent decision making from the local government.

The draft Policy builds on clauses in the *Shire of Nannup Local Planning Scheme No.3* (LPS3). This includes that no Development Application is required for agroforestry provided the planting is less than 4 hectares on any lot or location. A Development Application is currently required for a plantation. Following the review of LPS3 and the gazettal (finalisation) of a future Local Planning Scheme No. 4, there will be a requirement to review the Policy to ensure it is consistent with the new Scheme.

Attachment 12.2.2 provides an extract from the *Planning and Development (Local Planning Schemes) Regulations 2015*. The 'deemed provisions' in the Regulations



replace relevant clauses in Local Planning Schemes. The Regulations require draft local planning policies to be publicly advertised for at least 21 days.

## **COMMENT:**

In summary, the draft local planning policy (Attachment 12.2.1) supports agroforestry, encourages plantations on land zoned 'Agriculture' outside of Landscape Values Area and more than 3 kilometres from the Nannup townsite and will consider the merits of plantations on land zoned 'Agricultural Priority'. The draft Policy sets out matters the local government require suitably addressed in a Development Application.

As outlined in Attachment 12.2.1, the objectives of the draft policy are to:

1. Promote agroforestry where integrated with other rural and/or conservation activities and where it is effectively managed.
2. Outline areas favoured for plantations along with non-preferred locations.
3. Ensure that relevant planning considerations are suitably addressed.
4. Conserve and enhance environmental assets.
5. Assist the local government in determining applications for agroforestry and plantations by setting out matters local government will have regard for in assessing applications.
6. Provide increased certainty for landowners, the community and others and to assist in providing greater consistency in decision making by the local government.

The draft policy sets out that no development approval is required, subject to conditions:

- for the planting of trees for land rehabilitation, shelter belts or for other land management/environmental purposes provided the total area of planting is less than 4 hectares for the lot;
- for agroforestry provided no more than 4 hectares of planting occurs on any lot or location; and
- where development approval has been obtained for agroforestry or a plantation, no Development Application is required for a second rotation.

Development approval is required in the following instances:

- prior to the commencement of agroforestry above 4 hectares;
- for any proposed planting of trees, for commercial or land management/environmental purposes, exceeding 4 hectares on any lot or location, regardless of whether the trees are proposed to be harvested or not; and
- for three or more rotations and/or the establishment of a new planting.

The draft Policy sets a 3 kilometre 'buffer' to the Nannup townsite. The 3km buffer was referenced by the approach around the Donnybrook and Balingup townsites.

Development Applications for plantations within the buffer will be considered on their merits, however applicants will need to suitably address relevant planning considerations including fire risks and visual impact.

Noting that there are long established plantations near the Nannup townsite, the draft Policy seeks to adopt a pragmatic approach. This will be informed through community and stakeholder comments on the draft Policy. It is expected there may be comments relating to matters including bushfire risks, alternative and feasible land uses, land use compatibility, visual impact and erosion control.

The draft policy is considered appropriate to be publicly advertised for community and stakeholder comment. If Council agrees, submissions will be invited using various methods. Public advertising of the draft policy will assist to draw out comment from the community and stakeholders. It is proposed to consult widely for a six-week period by the Shire administration writing to and inviting comments from a wide range of stakeholders and government agencies, placing public notices and details in local papers on multiple occasions, placing details on the Shire of Nannup website, on the Shire's Facebook page and information being available at the Shire office.

The goal of the draft policy is to encourage community and stakeholder debate and to seek the receipt of submissions. Following the close of the consultation period, the Council and the Shire administration will consider the submissions and determine whether the draft policy is suitable for final adoption or whether it should be modified. Alternatively, the Council may determine to not proceed with the policy.

The objective is to finalise a policy which will assist in increasing certainty for everyone with an interest in this issue and which will provide increased guidance to Council and the Shire administration in assessing Development Applications.

## **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and the Shire of Nannup Local Planning Scheme No. 3.* The Regulations require local planning policies to be advertised for at least 21 days.

## **POLICY IMPLICATIONS:**

Local planning policies are non-statutory documents which provide guidance to assist the local government in its decision making. Accordingly, the local government is not bound by the policy but is required to have regard to the policy in determining Development Applications.

Subject to Council's resolution, the Shire administration will publicly advertise the draft policy to the community and stakeholders.

## **FINANCIAL IMPLICATIONS:**

There are costs to the Shire in advertising the draft policy.

## **STRATEGIC IMPLICATIONS:**

The *Shire of Nannup Local Planning Strategy* supports the establishment of plantations and agroforestry on land zoned Rural, and consider on its merits plantations and agroforestry on land zoned Priority Agriculture. The Local Planning Strategy requires relevant planning considerations to be met including bushfire management, vermin management, identification of a suitable harvesting route and appropriate arrangements to ensure the local government roads are in a similar condition post harvesting as pre-harvesting.

Following the review of LPS3 and the gazettal (finalisation) of future Local Planning Scheme No. 4, there will be a requirement to review the Policy to ensure it is consistent with the new Scheme.

The policy, if adopted, will assist the decision-making of the local government, inform applicants/landowners of Council requirements and raise community and stakeholder awareness.

## **RECOMMENDATION:**

That Council:

1. Support the public release of draft *Local Planning Policy 23 – Plantation and Agroforestry* outlined in Attachment 12.2.1 and require the draft policy to be publicly advertised in accordance with the requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* with an increased advertising period of six weeks.
2. Reconsider draft *Local Planning Policy 23 – Plantation and Agroforestry* following the close of the public submission period and determine whether or not to adopt the policy with or without modification, or to not proceed with the policy.

## **20034 STEVENSON/BUCKLAND**

***That Council:***

1. ***Support the public release of draft Local Planning Policy 23 – Plantation and Agroforestry outlined in Attachment 12.2.1 and require the draft policy to be publicly advertised in accordance with the requirements set out in the Planning and Development (Local Planning Schemes) Regulations 2015 with an increased advertising period of six weeks.***

2. ***Reconsider draft Local Planning Policy 23 – Plantation and Agroforestry following the close of the public submission period and determine whether or not to adopt the policy with or without modification, or to not proceed with the policy.***

***CARRIED (6/0)***

AGENDA NUMBER:	12.3
SUBJECT:	Seeking retrospective approval for solid front fence
LOCATION/ADDRESS:	Lot 701 (No. 29A) on Plan 62526 Kearney Street, Nannup
NAME OF APPLICANT:	Paul & Karine Miller
FILE REFERENCE:	A1658
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:	19 March 2020
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	12.3.1 - Location map 12.3.2 - Information from applicant and photographs 12.3.3 - Extract from Residential Design Codes 12.3.4 - Extract from <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> 12.3.5 - Submissions 12.3.6 - Additional information from applicant

## BACKGROUND:

The Shire has received a Development Application from the landowner to seek retrospective development approval for a 1.8 metre high solid Colourbond front fence with two motorised gates at Lot 701 (No. 29A) Kearney Street, Nannup.

Relevant matters relating to the site and application include:

- The site, as shown in Attachment 12.3.1, is 1.03 hectares in area and contains a shed in the northern portion of the property. The main part of the property forms part of Higgins Swamp;
- The landowner constructed the fence without necessary approvals. The Shire administration acted promptly on being alerted to the unauthorised construction which has led to this Development Application;
- Details originally provided by the applicant, including associated justification, are outlined in Attachment 12.3.2;
- It is zoned 'Special Use (SU5)' in the *Shire of Nannup Local Planning Scheme No. 3 (LPS3)*;
- The approved *Higgins Swamp Structure Plan* identified the northern portion of site as 'Residential R15' with the main part of the site as 'Conservation'. Higgins Swamp is intended to remain in private ownership but be subject to effective management;

- The northern portion of the site and this Development Application are subject to *State Planning Policy 7.3 Residential Design Codes Volume 1 (R-Codes)*. A relevant extract of the R-Codes is set out in Attachment 12.3.3. Further details are outlined below;
- While the R-Codes is the main planning document of relevance to this Development Application, other key planning documents include LPS3, the Local Planning Strategy and *Planning and Development (Local Planning Schemes) Regulations 2015*;
- Clause 1.6.2(f) of LPS3 states the local government's general intentions include 'To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area';
- The Local Planning Strategy sets out a vision, objectives, aims and strategies. Strategy 109 states to 'provide for a high level of residential amenity which reflects a non-metropolitan lifestyle and rural character' while Strategy 113 states to 'preserve and respect Nannup's evolved built character within the Nannup townsite';
- Attachment 12.3.4 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; and
- The R-Codes and LPS3 require a Development Application for solid fences (or non-visually permeable fences) above 1.2 metres in height in the primary street setback for areas subject to the R-Codes.

In accordance with *Local Planning Policy 5 Consultation* and the R-Codes, the Shire administration invited comments on the Development Application to adjoining/nearby landowners and informed Councillors. The Shire received two submissions on the Development Application from nearby landowners, with one of these submissions signed by four neighbours (see Attachment 12.3.5). The submissions oppose the fence for the following summarised reasons:

- Not in context with the area;
- Looks like a 'bikie fortress';
- Does not fit with the character of Nannup; and
- Industrial high fences are not appropriate in residential areas.

In accordance with standard Shire practice, the Shire provided the applicant the opportunity to review and respond to the submissions. The applicant's response and additional information are outlined in Attachment 12.3.6. In summary, the applicant justifies the fence for the following reasons:

- Prevent vehicle lights from Walter Street impacting the outdoor living area;
- Increased privacy;
- To contain their dog;
- The gates are motorised and make a very loud audible noise on initial opening which alert pedestrians of the vehicle access point; and
- There are suitable vehicular sight lines.

Section 5.2.4 of the R-Codes is the key part relating to this Development Application (refer to Attachment 12.3.3). An applicant can either adopt the deemed-to-comply

requirements or can seek to demonstrate compliance with the design principles. For this Development Application which seeks retrospective approval for a high solid front fence, the fence does not comply with deemed-to-comply Requirement C4:

Front fences within the **primary street setback area** that are **visually permeable** above 1.2m of **natural ground level**, measured from the primary street side of the front fence.

Accordingly, the applicant is required to address Design Principle P4 which states:

Front fences are low or restricted in height to permit surveillance (as per Clause 5.2.3) and enhance streetscape (as per clause 5.1.2), with appropriate consideration to the need:

- for attenuation of traffic impacts where the **street** is designated as a primary or district distributor or integrator arterial; and
- for necessary privacy or noise screening for **outdoor living areas** where the **street** is designated as a primary or district distributor or integrator arterial.

The R-Codes and the associated Guidelines identifies that high, solid walls on the front boundary are undesirable as they disrupt the streetscape, detrimentally impacting the setting of the building and can compromise overall community security. The Guidelines continue by promoting front fences that allow for the surveillance of the street from the property and enhance the streetscape.

It is disappointing that the applicant undertook unauthorised construction of the fence without gaining relevant Shire approvals.

## COMMENT

Following an assessment of the Development Application against the planning framework, the submissions and information provided by the applicant, it is recommended the Council refuse the Development Application. The reasons include:

- The applicant has not addressed Design Principle P4. In summary, the high solid front fence does not enhance the streetscape and Kearney Street is not a primary or district distributor or integrator arterial, but is instead a local road with modest traffic volumes and noise. The Western Australian Planning Commission defines a distributor or integrator road as typically carrying a minimum of 7,000 vehicles per day. Although there is no traffic count for Kearney Street available, its traffic volume is expected to be around 300 vehicles per day given it is a local access road only. Accordingly, the fence does not comply with the R-Codes;
- The R-Codes allows for fencing of a front setback area where there is no other area available on a property to provide north-facing outdoor living area. This is particularly used in unit developments where open space is at a premium. However, this is clearly not the case on a property of 1.03 hectares;
- The fence is out of character with Kearney Street in particular and the Nannup townscape in general. The streetscapes in Nannup are characterised by being

open in nature. The other houses in the vicinity of the site have either no fences, or fences that are 'visually permeable';

- The fence looks obtrusive and out of character and is considered to be detrimental to the streetscape. Approval of a 1.8m solid fence on the street frontage creates an undesirable precedent in what is otherwise an open streetscape; and
- The Shire is not aware of solid fences (non-visually permeable) that have been built across front property frontages at a height of 1.8m in areas subject to the R-Codes in Nannup.

It is noted that some of the reasons put forward by the applicant could be addressed by the construction of a compliant alternative fence which is visually permeable above 1.2m from natural ground level. This would clearly demarcate the boundaries of the property and physically contain the dog. This type of fence would be consistent with the R-Codes. It would also present a better streetscape outcome than creating a 1.8m high solid Colourbond' fence on the front boundary.

It is therefore recommended that Council:

- Refuse the Development Application;
- Require the applicant/landowner to advise the Shire in writing by 30 April 2020 that the 1.8m high solid fence will be removed by 30 September 2020;
- Require the applicant/landowner to remove the 1.8m high fence by 30 September 2020; and
- Advise the applicant/landowner that the Council supports a front fence that is visually permeable above 1.2m from natural ground level in accordance with Requirement C4 of the R-Codes.

In the event that fencing of the primary street setback area is still desired by the proponent, a solid fence of 1.2m in height, or a 1.8m fence that is visually permeable above 1.2m can be supported without the need for a Development Application.

## **STATUTORY ENVIRONMENT:**

*Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations and LPS3.*

The Council is legally able to authorise unauthorised existing development under the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.

A person may be prosecuted under the *Planning and Development Act 2005* for breaching a Local Planning Scheme.



## **POLICY IMPLICATIONS:**

*State Planning Policy 7.3 Residential Design Codes Volume 1*

## **FINANCIAL IMPLICATIONS:**

There may be costs should the applicant request that the State Administrative Tribunal review the Council's decision.

## **STRATEGIC IMPLICATIONS:**

The application raises streetscape, consistency and precedent considerations.

## **RECOMMENDATION:**

That Council:

1. With respect to the Development Application seeking retrospective development approval for a 1.8 metre high front fence at Lot 701 on Plan 62526 (29A) Kearney Street, Nannup and in accordance with Part 2.5 of *State Planning Policy 7.3 Residential Design Codes Volume 1*, the Council exercises its discretion and resolves to issue a notice of refusal for the following reasons:
  - a) The fence does not comply with Design Principle P4 of State Planning Policy 7.3 *Residential Design Codes Volume 1* (the Codes), given the fence does not enhance the streetscape or meet the following criteria:
    - i. The traffic volumes on Kearney Street (approximately 300 vehicles per day) do not meet the accepted volumes for classification as a distributor or integrator road (minimum of 7,000 vehicles per day);
    - ii. Sufficient private open space can be provided on the 1.03 hectare property as required by the Codes.
  - b) The prevailing streetscape along Kearney Street is open or contains permeable fencing. Given this, there is no immediately local precedent to fencing of the primary street setback area as proposed.
  - c) The fence is inconsistent with the *Shire of Nannup Local Planning Scheme No. 3* including clause 1.6.2(f) which sets out the local government's general intentions include 'To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area'.
  - d) The fence is inconsistent with the *Shire of Nannup Local Planning Strategy* including to 'preserve and respect Nannup's evolved built character within the Nannup townsite'.
  - e) The proposal will have a detrimental impact on the streetscape of the locality and will set an undesirable precedent.

2. Require the applicant/landowner to advise the Shire in writing by 30 April 2020 that the 1.8m high solid fence and associated gates will be removed by 30 September 2020.
3. Require the applicant/landowner to remove the 1.8m high fence and associated gates by 30 September 2020.
4. Advise the applicant/landowner that the Council supports a front fence that is visually permeable above 1.2m from natural ground level in accordance with Requirement C4 of the R-Codes.
5. Advise the applicant/owner that if they are 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.

### **20035 BUCKLAND/STEVENSON**

#### ***That Council:***

1. ***With respect to the Development Application seeking retrospective development approval for a 1.8 metre high front fence at Lot 701 on Plan 62526 (29A) Kearney Street, Nannup and in accordance with Part 2.5 of State Planning Policy 7.3 Residential Design Codes Volume 1, the Council exercises its discretion and resolves to issue a notice of refusal for the following reasons:***
  - a) ***The fence does not comply with Design Principle P4 of State Planning Policy 7.3 Residential Design Codes Volume 1 (the Codes), given the fence does not enhance the streetscape or meet the following criteria:***
    - i. ***The traffic volumes on Kearney Street (approximately 300 vehicles per day) do not meet the accepted volumes for classification as a distributor or integrator road (minimum of 7,000 vehicles per day);***
    - ii. ***Sufficient private open space can be provided on the 1.03 hectare property as required by the Codes.***
  - b) ***The prevailing streetscape along Kearney Street is open or contains permeable fencing. Given this, there is no immediately local precedent to fencing of the primary street setback area as proposed.***
  - c) ***The fence is inconsistent with the Shire of Nannup Local Planning Scheme No. 3 including clause 1.6.2(f) which sets out the local government's general intentions include 'To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area'.***
  - d) ***The fence is inconsistent with the Shire of Nannup Local Planning Strategy including to 'preserve and respect Nannup's evolved built character within the Nannup townsite'.***
  - e) ***The proposal will have a detrimental impact on the streetscape of the locality and will set an undesirable precedent.***

- 2. Require the applicant/landowner to advise the Shire in writing by 30 April 2020 that the 1.8m high solid fence and associated gates will be removed by 30 September 2020.**
- 3. Require the applicant/landowner to remove the 1.8m high fence and associated gates by 30 September 2020.**
- 4. Advise the applicant/landowner that the Council supports a front fence that is visually permeable above 1.2m from natural ground level in accordance with Requirement C4 of the R-Codes.**
- 5. Advise the applicant/owner that if they are 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.**

**CARRIED (6/0)**

AGENDA NUMBER:	12.4
SUBJECT:	Budget Review 2019/20
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 3
AUTHOR:	Tracie Bishop – Manager Corporate and Community Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate and Community Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT:	11 March 2020
PREVIOUS MEETING REFERENCE:	Adoption of 2019/20 Budget
ATTACHMENTS:	12.4.1 – Budget Review Statements 2019/20

### **SUMMARY:**

As per the Financial Management Regulations 1996 Section 33A a review of a Local Governments annual budget must be completed between 1 January and 31 March each year. The following item allows Council to reach compliance within this area.

There are variances expected from the original estimates of the Budget which was adopted at the Special Meeting of Council held on the 31 July 2019. These are largely as a result of timely and prudent savings by officers and funding opportunities and additional expenditure not known at budget adoption. Overall when each of the schedules is taken into consideration the outcome is expected to remain consistent with the original budget. The original budget had a surplus anticipated of \$1,249. This revision anticipates that there will now be a surplus of \$53,847.

### **COMMENT:**

The statutory requirement for the budgetary review is relatively limited and simply requires the Council to evaluate the likely position at the end of the current financial year. This report goes much further than this and presents an in depth review of the Council's finances covering:

- Current expectations on income and expenditure
- The Council's exposure to financial risk

#### Anticipated Outturn for 2019/20

Council will see from the budget monitoring reported both within this report and within the financial statements included within a separate report at today's meeting, that as at 29 February 2020 it is anticipated that there will be a surplus of \$53,847. This is primarily as a result of savings being initiated wherever possible as well as increased funding received.

There are however variations expected from the original budget adopted in July 2019 to spending trends anticipated as at today.

Within each of the programs these are:

1. Governance – As a result of an increase in surplus carried forward from the 2018/19 financial year, Council endorsed at the December 2019 Ordinary Meeting of Council to complete an overhaul of the Chart of Account System. This overhaul will enable the Shire of Nannup accounting system to become standardised with other local governments. What this means to officers is that reporting and financial templates will now be able to be sourced from other local governments, in effect standardising formats/templates used as an industry rather than organisation.
2. Law & Order – Grant funding for Fire Mitigation Works has again created economic stimulus that was not included in the original budget. This funding has been supplemented the wages budget to the value of \$87,800.
3. Health – Slight increase in expenditure as a result of Council endorsing additional spend to cover some of the costs associated with the production of the Public Health Plan. This plan may be carried forward to the new year due to timing constraints of officers.
4. Education & Welfare – Increased income and expenditure to support education programs.
5. Community Amenities – 2019/20 continues to be a year where further analysis of requirements of our Waste Management site is completed.
6. Recreation & Culture – There is the need to complete urgent repair works to both the roof structure and the main entrance doors at this precinct in order to prevent further damage from occurring. The works to be completed are:
  - The front doors to the Recreation Centre have been identified as needing replacement both in order to comply with the Disability and Inclusion Plan and as a safety initiative. Although the glass specification met the Australian Standards at the time of installation, this standard has since changed resulting in a higher specification being used for doors. Based on this it is intended to replace these doors with those that support these two areas.
  - The leaking roof structure. A builder has been on site and confirmed that the guttering between the old and new sections of the roof needs to be replaced in order to prevent the leaking that currently occurs in large downfalls of rain.

It is proposed to have both the roof guttering and the doors replaced within this financial year. At this point in time it is anticipated that the cost of this project will be \$65,000. Although this sum was not included within the original budget, due to savings and grant funding from other areas these works can be included in this year's budget.

7. Transport – Greatest impact to this schedule is with the inclusion of grant funding Law & Order and the resulting decrease in labour costs to this schedule. Savings from this decrease have been used to support the Recreation Centre doors and other minor projects.

8. Economic Services – Increases within this schedule have been made available as a result of additional funding opportunities by the Regional Development Grant funding that is being used to support Council's Trails Infrastructure. This project will see wash down stations installed in town as well as a safe and secure pathway linking Tanks 7 & 8 with town.

There has also been a request to start to get the Nannup community activated and ready for economic growth via the inclusion of Place making Workshops.

Place making is both a philosophy and a practical process for transforming public spaces. It is centred on observing, listening to, and asking questions of the people who live, work, and play in a particular space in order to understand their needs and aspirations for that space and for their community as a whole.

Finally, as per the meeting with the Honourable Stephen Dawson, Officers are now organising to have a Flora and Fauna Study completed as the first stage of construction of Gracillus Road. Funding for this study will be via a Reserve Contribution transfer as a result of monies being placed within the Strategic Reserve in 2018/19 for this purpose.

9. Other Property & Services – Savings expected within expense accounts overall.

For a full breakdown of the individual components within each schedule that have moved since the budget was adopted please refer to the attachments.

### Risks

The Council's immediate financial position is steady but this must be considered in the light of limited information on future expenditure needs and the impact that these would have on the rate liability.

With the World Health Organisation declaring COVID 19 a global pandemic as at the 12 March 2020 the risk of this virus causing disruption to the Shire of Nannup's operations is still an unknown quantity that is being considered and where possible alternative plans put in place to ensure that Council can continue to govern Nannup. At this point in time, officers are continuing to monitor the situation with the knowledge that there may come a time where day to day operations are disrupted and there is a requirement to adjust how Council's operations are completed. At the present time, this monitoring includes working with the Regional Risk Co-ordinator to ensure that all staff are as protected and informed with the most up to date information possible to enable informed decisions to be made and abiding by direction provided from both State and Federal Government agencies.

As with previous years, on a financial level, there remains risk to Councils sustainability as a result of key funding streams being withdrawn and the overall impact that this has on rate revenue. Within the 2019/20 to date there have been no indications that this current position will change.

A review of Council's Long Term Financial Plan (LTFP) is currently underway and once completed will help to illustrate what will need to be addressed in order to continue to meet the needs of the community while still being mindful of achieving financial sustainability. Findings relating to this annual review will be incorporated into Budget workshops scheduled to commence in March this year.

## Conclusions

The variance that is shown between the actual and the estimated outturn for 2019/20 is primarily as a result of savings to operations wherever possible as well as increased grant funding that was not identified at the time of the budget adoption.

Once the budget is amended to include unanticipated spending, savings identified as well as increased revenue streams within the individual schedules there is an overall surplus expected to the 2019/20 budget of \$53,847.

The Long Term Financial Plan will be updated and refined to inform the 2020/2021 budget and to comply with the requirements of the Integrated Planning Framework.

The work to complete the 2020/20 budget will commence within the next few weeks and Officers anticipate that with the inclusion of the various workshops arranged over the coming months that Council will be in a position to make an informed decision relating to the budget by the June 2020 Council meeting. This will enable officers to implement the budget and raise rates at the beginning of the 2020/21 financial year. This should place Council in a strong financial position moving forward.

## **STATUTORY ENVIRONMENT:**

Sub-section 2A of the Regulations requires the Council to:

- (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.

## **POLICY IMPLICATIONS:**

None

## **FINANCIAL IMPLICATIONS:**

A potential surplus of \$53,847 for 2019/20.

## **STRATEGIC IMPLICATIONS:**

None.

**RECOMMENDATION:**

That Council endorses all variances shown within this report and attachments as part of the annual Budget Review for the 2019/20 financial year required to remain compliant with statutory obligations.

**20036 BUCKLAND/CORLETT**

***That Council endorses all variances shown within this report and attachments as part of the annual Budget Review for the 2019/20 financial year required to remain compliant with statutory obligations.***

***CARRIED BY ABSOLUTE MAJORITY (6/0)***



AGENDA NUMBER:	12.5
SUBJECT:	Compliance Audit Return 2019
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:	Tracie Bishop – Manager Corporate & Community Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	10 March 2020
ATTACHMENT:	12.5.1 - 2019 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 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 2019 Compliance Audit Return contains 104 questions of which:

- 52 were complied with;
- 51 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: -

#### **Optional Questions**

**Question 4** – *Did the local government submit to its auditor by 30 September 2019 the balanced accounts and annual financial report for the year ending 30 June 2019?*

**Comment** – Council requested and was granted approval from Department of Local Government, Sport & Cultural Industries to allow submission of these accounts to occur after this date.

#### **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

#### **COMMITTEE RECOMMENDATION:**

That Council adopts the Local Government Compliance Audit Report for the Shire of Nannup for the period 1 January 2019 to the 31 December 2019, 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.

#### **20037 HANSEN/BROWN**

***That Council adopts the Local Government Compliance Audit Report for the Shire of Nannup for the period 1 January 2019 to the 31 December 2019, 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.***

***CARRIED BY ABSOLUTE MAJORITY (6/0)***

***Cr Brown declared an Impartiality Interest in the following item as she is a committee member of the Nannup Arts Council Inc.***

AGENDA NUMBER:	12.6
SUBJECT:	Request to Revision of funding request received 19/20 Community Grants
LOCATION/ADDRESS:	Nannup
NAME OF APPLICANT:	Southwest Foodbowl, Nannup Arts Council, Reconciliation Garden Committee
FILE REFERENCE:	FNC 10
AUTHOR:	Tracie Bishop – Manager Corporate and Community Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate and Community Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	18 March 2020
ATTACHMENT:	12.6.1 - Letter – Paul Jefferies – Committee member -Southwest Foodbowl 12.6.2 - Letter – Nannup Arts Council Inc.

**BACKGROUND:**

As previously reported in the February 2020 Ordinary Council Meeting, within the confirmation of 19/20 Community Grant program an error was made which resulted in three community groups being incorrectly informed that the full grant amount sought had been successful. This was incorrect in that the amount of grant funding supported was smaller than the amount of grant funding initially sought.

Prior to the February meeting, one community group, Southwest Foodbowl, had requested a revision. A late submission was received from the Nannup Arts Council requesting a similar revision. As a result of the two submissions received Councillors decided to leave the February Item on the table to allow a further consideration of the remaining one community group that had also received the incorrect letter.

As reported previously, the error was a result of staff changes within the budget period. As soon as the error was noted, contact was made with each of the community groups and apologies given. Following these conversations funds were released.

**COMMENT:**

While it never ideal for a situation such as this to occur, the error itself was a genuine error on behalf of the officer and as mentioned above as soon as this error was noted contact was made with the affected groups.

It is noted from the Arts Council's perspective, the cut in funding has impacted on their business model going forward. Their letter (attached) indicates that the exhibition that they hosted this year would not have been delivered in the same format had they been aware of the funding cut.

From the perspective of the Southwest Foodbowl, the event is not being held until the 2020/21 financial year and as such would not normally then be able to be included within the prior year grant funding. However, it is noted that the interactive Cow and Sheep, for which the funds were sought, needs to be purchased in advance.

Finally, the third application was from the Reconciliation Garden committee, these funds were to be used to continue revegetation along the Nannup Foreshore. This group, once the error was noted and reported, have chosen to reapply in the current year's grant application process for similar funding.

Noting that there is now a budget surplus reported for this financial year and that the reduction in funding has put undue pressure on one of the groups above it is recommended that a revision be made to the current year's approved Community Grant funding resulting in an additional \$4,000 being made available through this grant process. This would result in the following breakdown per community group:

1. Southwest Foodbowl	\$2,000
2. Nannup Arts Council	\$1,500
3. Reconciliation Garden Committee	\$ 500

#### **STATUTORY ENVIRONMENT:**

Nil

#### **POLICY IMPLICATIONS:**

Policy FNC 3 – Community Group Grants and Donations:

1. Council will advertise submissions for community grants in the local newspaper in December/January in any given year. The deadline for submissions will be 28 February in any given year.

#### **FINANCIAL IMPLICATIONS:**

Total contribution of \$4,000.

## **STRATEGIC IMPLICATIONS:**

Shire of Nannup Community Strategic Plan 2017-2027 – Our Community Leadership  
- Strategy 5.1 Support Existing and Emerging Community Groups.

### **RECOMMENDATION**

That Council adjusts the Community Grant funding for the 2019/20 year to reflect the original amount that the three community groups were advised had been funded. This will result in an added expenditure to Council of \$4,000.

### **20038 BROWN/STEVENSON**

***That Council adjusts the Community Grant funding for the 2019/20 year to reflect the original amount that the three community groups were advised had been funded. This will result in an added expenditure to Council of \$4091.05.***

***CARRIED (6/0)***

***Council changed the amount that the adjustment will make to Council expenditure to \$4091.05 as the Nannup Arts Council Inc. amount changed from \$1500 to \$1591.05.***

AGENDA NUMBER:	12.7
SUBJECT:	Budget Monitoring – January 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Corporate Services Coordinator
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	28 February 2020
ATTACHMENT:	12.7.1 – Financial Statements for the period ending 31 January 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 12.7.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance to the month in question and not the likely outturn at the end of the year.

Monthly reporting draws on the flexibility allowed in the Financial Management Regulations to draw attention to likely under and overspends at the end of the year.

**COMMENT:**

Please refer to the attachment, Financial Statements for periods ending 31 January 2019 for a detailed analysis of our end of year position, Note 2.

**STATUTORY ENVIRONMENT:**

Local Government (Financial Management) Regulation 34(1)(a).

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The attached financial statements detail financial outcomes for 2019/20.

**STRATEGIC IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

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

***20039 BUCKLAND/STEVENSON***

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

***CARRIED (6/0)***



AGENDA NUMBER:	12.8
SUBJECT:	Budget Monitoring – February 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 15
AUTHOR:	Susan Fitchat – Corporate Services Coordinator
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
DATE OF REPORT	18 March 2020
ATTACHMENTS:	12.8.1 – Financial Statements for the period ending 29 February 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 12.8.1.

Whilst this has resulted in all variances of 10% being identified and reported, it only focuses attention on the performance to the month in question and not the likely outturn at the end of the year.

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 29 February 2019 for a detailed analysis of our end of year position, Note 2.

**STATUTORY ENVIRONMENT:**

Local Government (Financial Management) Regulation 34(1)(a).

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

The attached financial statements detail financial outcomes for 2019/20.

**STRATEGIC IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

Monthly Financial Statements for the period ending 29 February 2020 be received.

***20040 BUCKLAND/STEVENSON***

***Monthly Financial Statements for the period ending 29 February 2020 be received.***

***CARRIED (6/0)***

AGENDA NUMBER:	12.9
SUBJECT:	Monthly Accounts for Payment - January 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	28 February 2020
ATTACHMENTS:	12.9.1 – Accounts for Payment – January 2020

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 January to 31 January 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 two 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	12252-12307	103,433.16
Accounts paid by cheque	20435-20443	3,457.06
Accounts paid by Direct Debit	DD10655.1-10674.13	104,017.20
<i>Sub Total Municipal Account</i>		<u>\$210,907.42</u>

**Trust Account**

Accounts paid by EFT	12287,12288,12308	543.27
Transfer to Muni Admin fees		30.00
Accounts Paid by cheque	20439-20441	240.00
<i>Sub Total Trust Account</i>		<u>813.27</u>

<b>Total Payments</b>		<u><u><b>\$211,720.69</b></u></u>
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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.

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$211,720.69 1 January 2020 to 31 January 2020 in the attached schedule(s) be endorsed.

***20041 BROWN/HANSEN***

***That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$211,720.69 1 January 2020 to 31 January 2020 in the attached schedule(s) be endorsed.***

***CARRIED (6/0)***

AGENDA NUMBER:	12.10
SUBJECT:	Monthly Accounts for Payment - February 2020
LOCATION/ADDRESS:	Nannup Shire
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Susan Fitchat - Corporate Services Coordinator
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	13 March 2020
ATTACHMENTS:	12.10.1 – Accounts for Payment – February 2020

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 February to 29 February 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 two 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	12309-12405	302,684.66
Accounts paid by cheque	20444-20448	7,641.95
Accounts paid by Direct Debit	10680.1-10693.14	47,891.81
<i>Sub Total Municipal Account</i>		<u>\$358,218.42</u>

**Trust Account**

Accounts paid by EFT	12338,12377	1312.20
Transfer to Muni Admin fees		33.25
<i>Sub Total Trust Account</i>		<u>1,345.45</u>
<b>Total Payments</b>		<u><u>\$359,563.87</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.

**RECOMMENDATION:**

That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$359,563.87 1 February 2020 to 29 February 2020 in the attached schedule(s) be endorsed.

**20042 BROWN/HANSEN**

***That the List of Accounts for Payment for the Nannup Shire Municipal Account fund totalling \$359,563.87 1 February 2020 to 29 February 2020 in the attached schedule(s) be endorsed.***

**CARRIED (6/0)**

AGENDA NUMBER:	12.11
SUBJECT:	Request for Variation to the Trust Deed for the Local Government House Trust
LOCATION/ADDRESS:	Various
NAME OF APPLICANT:	
FILE REFERENCE:	
AUTHOR:	Tracie Bishop – Manager Corporate Services
REPORTING OFFICER:	Tracie Bishop – Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	9 March 2020
ATTACHMENT:	12.11.1 - Deed of Variation 12.11.2 - Clause 12 of Trust Deed 1994 12.11.3 - Local Government House Trust update January 2020 12.11.4 – Email from WALGA CEO Nick Sloan

#### **BACKGROUND:**

The Local Government House Trust (the Trust) is a unit trust that was created in 1980 for the purpose of housing the Western Australian Local Government Association (WALGA). Under the current Trust deed 132 Local Governments contributed to create a Trust comprising 620 units. The Shire of Nannup holds one unit in the Trust valued at \$17,815 as at 30 June 2019. More information about the Trust can be found in the attachment.

On 19 February 2020, the Chief Executive Officer of WALGA corresponded with every Local Government holding Trust units. The purpose of the correspondence was to advise that the Trust's Board of Management are seeking to vary the Trust Deed in order to assist the Trust's income exempt status. To execute the variation to the Trust Deed it requires consent from at least 75% of Trust unit holders. More details regarding this matter can be found in the attached WALGA correspondence, Deed of Variation and excerpt of Clause 12 form the Trust Deed.

The purpose of this report is to seek Council's formal resolution to support the Deed of Variation.

#### **COMMENT:**

The Trust Deed amendments as proposed are based on legal opinion and are designed to fortify the Trust's position of income tax exempt status by removing any questionable matters from the Trust Deed. The Chief Executive Officer has reviewed the applicable information relating to this matter and has no objection to Council resolving to provide consent to the Deed of Variation as proposed in the attachment one.

**STATUTORY ENVIRONMENT:**

The Local Government Act 1995 enables the Shire of Nannup to exist as an entity. WALGA is the peak representative body for Western Australian Local Government and is essentially owned by Western Australian Local Government.

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil

**RECOMMENDATION:**

That the Local Government House Trust Board of Management are advised that the Shire of Nannup, as a holder of one Local Government House Trust unit consents to the Deed of Variation as detailed in Attachment One.

**20043 BUCKLAND/STEVENSON**

***That the Local Government House Trust Board of Management are advised that the Shire of Nannup, as a holder of one Local Government House Trust unit consents to the Deed of Variation as detailed in Attachment One.***

**CARRIED (6/0)**



**13.1 ELECTED MEMBERS**

Nil.

**14. MEETING CLOSED TO THE PUBLIC**

(Confidential Items)

Nil.

**14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

**14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC**

**15. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

**17. CLOSURE OF MEETING:**

The Shire President declared the meeting closed at 6.09pm.