



Shire of  
**Nannup**  
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# Agenda

**Council Meeting to be held Thursday 28 February 2019**

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# Agenda

- 1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS**
- 2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE**  
(previously approved)
- 3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**
- 4. PUBLIC QUESTION TIME**
- 5. APPLICATIONS FOR LEAVE OF ABSENCE**
- 6. PETITIONS/DEPUTATIONS/PRESENTATIONS**

Nil.

## **7. DECLARATIONS OF INTEREST**

The Shire President will read out any declarations received relating to financial, proximity or impartiality interests and ask for any further declarations to be made.

Members should make any declarations at the start of the meeting but may declare an interest before the resolution of any agenda item.

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

### **8.1 January 2019 Ordinary Council Meeting**

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 22 January 2019 be confirmed as a true and correct record.

## **9. MINUTES OF COUNCIL COMMITTEES**

### **9.1 Audit Advisory Committee**

That the Minutes of the Shire of Nannup Audit Advisory Committee meeting held 27 November 2018 be confirmed as a true and correct record.

### **9.2 Bush Fire Advisory Committee**

That the Minutes of the Shire of Nannup Bush Fire Advisory Committee meeting held 4 February 2019 be confirmed as a true and correct record.

### **9.3 Local Emergency Management Committee**

That the Minutes of the Shire of Nannup Bush Fire Advisory Committee meeting held 6 February 2019 be confirmed as a true and correct record.

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

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

## **12. REPORTS OF OFFICERS**

| <b>Agenda No.</b>                   | <b>Description</b>                            | <b>Page No.</b> |
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## **13. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING**

### **13.1 OFFICERS**

**13.2 ELECTED MEMBERS**

**14. MEETING CLOSED TO THE PUBLIC  
(Confidential Items)**

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

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

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

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

**17. CLOSURE OF MEETING**

# CEO DEPARTMENT

|                             |  |
|-----------------------------|--|
| AGENDA NUMBER:              | 12.1   |
| SUBJECT:                    | Delegated Planning Decisions for January 2019      |
| LOCATION/ADDRESS:           | Various  |
| NAME OF APPLICANT:          | Various  |
| FILE REFERENCE:             | TPL18  |
| AUTHOR:                     | Jane Buckland – Development Services Officer       |
| REPORTING OFFICER:          | David Taylor – Chief Executive Officer             |
| DISCLOSURE OF INTEREST:     | Nil  |
| DATE OF REPORT:             | 5 February 2019                                    |
| PREVIOUS MEETING REFERENCE: | Nil  |
| ATTACHMENT:                 | 12.1 – 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 Application 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 January 2019 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 January 2019, five (5) 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 January 2019 compared to January 2018:

|                            | <b>January 2018</b> | <b>January 2019</b>  |
|----------------------------|---------------------|----------------------|
| <b>Delegated Decisions</b> | 1 (\$22,000)        | 5 (\$385,252)        |
| <b>Council Decisions</b>   | 0                   | 0                    |
| <b>Total</b>               | <b>1 (\$22,000)</b> | <b>5 (\$385,252)</b> |

**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 January 2019 as per Attachment 12.1.1.

**VOTING REQUIREMENTS:**

Simple Majority

|                         |  |
|-------------------------|--|
| AGENDA NUMBER:          | 12.2   |
| SUBJECT:                | Compliance Audit Return 2018   |
| LOCATION/ADDRESS:       | Shire of Nannup  |
| NAME OF APPLICANT:      | Department of Local Government, Sport and Cultural Industries                        |
| FILE REFERENCE:         | ADM 14   |
| AUTHOR:                 | David Taylor – Chief Executive Officer   |
| REPORTING OFFICER:      | David Taylor – Chief Executive Officer<br>Tracie Bishop – Manager Corporate Services |
| DISCLOSURE OF INTEREST: | Not Applicable   |
| DATE OF REPORT          | 18 February 2019   |
| ATTACHMENT:             | 12.2.1 – Compliance Return Audit 2018  |

### **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. Presented to Council at a meeting of the Council.
2. Adopted by the Council.
3. The adoption recorded in the minutes of the meeting at which it is adopted.
4. Signed by the Shire President and the Chief Executive Officer and returned to the Department of Local Government, Sport and Cultural Industries (through their Hub Portal) by 31 March each year.

The Return must also be reviewed by the Audit Committee prior to its adoption by Council.

### **COMMENT:**

The Annual Compliance Return contains 95 questions of which:

- 56 were complied with;
- 39 were not applicable to the Shire of Nannup during the year under review, and;
- There were no matters that were detected to be non-compliant.

### **STATUTORY ENVIRONMENT:**

Section 14 of the *Local Government Audit Regulations 1996*

*“14. Compliance audits by local governments*

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.*
- (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.*
- (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 subregulation (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.*

**Section 15 of the Local Government Audit Regulations 1996**

*“15. Certified copy of compliance audit return and other documents to be given to Departmental CEO.*

- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with –*
  - (a) A copy of the relevant section of the minutes referred to in regulation 14(3)(C); and*
  - (b) Any additional information explaining or qualifying the compliance audit, is to be submitted to the Department CEO by 31 March next following the period to which the return relates.*
- (2) In this regulation –*

*certified in relation to a compliance audit return means signed by –*

  - (a) The mayor or president; and*
  - (b) The CEO.”*

**POLICY IMPLICATIONS:**

Nil

**FINANCIAL IMPLICATIONS:**

Nil

**STRATEGIC IMPLICATIONS:**

Nil

**AUDIT COMMITTEE RECOMMENDATION:**

That Council adopts the Local Government Compliance Audit Return for the Shire of Nannup for the period 1 January 2018 to 31 December 2018, noting that there were no areas of non-compliance, and therefore, Council authorises the Shire President and the Chief Executive Officer to sign and submit the report to the Department of Local Government, Sport and Cultural industries.

**VOTING REQUIREMENTS:**

Absolute Majority

# **FINANCE & ADMINISTRATION**

|                         |  |
|-------------------------|--|
| AGENDA NUMBER:          | 12.3                                       |
| SUBJECT:                | Budget Amendment                           |
| LOCATION/ADDRESS:       | Nannup Shire                               |
| NAME OF APPLICANT:      | N/A  |
| FILE REFERENCE:         |  |
| AUTHOR:                 | Tracie Bishop – Manager Corporate Services |
| REPORTING OFFICER:      | Tracie Bishop – Manager Corporate Services |
| DISCLOSURE OF INTEREST: | None                                       |
| DATE OF REPORT:         | 18 February 2019                           |
| ATTACHMENT:             | Nil  |

## **BACKGROUND:**

As per the Local Government Act 1995 (*The Act*) a Local Government is not to incur any expenditure that was not included within the annual budget unless this additional expenditure was authorised by Council *prior* to expenditure occurring. This is shown at Section 6.8 of the Act where it states:

### **6.8. Expenditure from municipal fund not included in annual budget**

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
  - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
  - (b) is authorised in advance by resolution\*; or
  - (c) is authorised in advance by the mayor or president in an emergency.

\* *Absolute majority required.*

- (1a) In subsection (1) —

**additional purpose** means a purpose for which no expenditure estimate is included in the local government's annual budget.

## **COMMENT:**

Included within the Budget Review for 2018/19 were line items addressing the Bushfire Mitigation Funding. Within this area there was reference to Council's own source gravel being used for the completion of this project. The charge for this gravel supply was then expensed to the MAF funding with the income received being credited to Council's Gravel Reserve Fund. This resulted in a reserve transfer of \$142,000 being endorsed by Council at the January 2019 Ordinary Meeting of Council. At the time of the budget review officers were of the impression that Council

would not have the opportunity to restock this gravel supply until the next financial year.

It has now been negotiated that gravel crushing within the Council controlled gravel pit at Bird Pit can be completed within this financial year. As a result, officers require Councillors to endorse this additional budget amendment in order for this to occur. Quotes for this purpose have been called from three suppliers and assurances given that should Council endorse this amendment this crushing can be completed in the near future.

**STATUTORY ENVIRONMENT:**

The Local Government Act 1995, S6.8

**POLICY IMPLICATIONS:**

None.

**FINANCIAL IMPLICATIONS:**

Increase in expenditure 2018/19 offset by a Gravel Reserve transfer in.

**STRATEGIC IMPLICATIONS:**

None.

**RECOMMENDATION:**

That Council approve the following budget amendments for the 2018/19 budget;

1. \$140,000 worth of expenditure to carry out gravel crushing activities;  
and;
2. the \$140,000 is funded through a transfer from the Gravel Reserve.

**VOTING REQUIREMENTS:**

Absolute Majority

|                         |   |
|-------------------------|---|
| AGENDA NUMBER:          | 12.4  |
| SUBJECT:                | Budget Monitoring – January 2019                                    |
| LOCATION/ADDRESS:       | Nannup Shire  |
| NAME OF APPLICANT:      | N/A   |
| FILE REFERENCE:         | FNC 15  |
| AUTHOR:                 | Robin Lorkiewicz – Corporate Services Officer                       |
| REPORTING OFFICER:      | Tracie Bishop – Manager Corporate Services                          |
| DISCLOSURE OF INTEREST: | None  |
| DATE OF REPORT          | 19 February 2019  |
| ATTACHMENT:             | 12.4.1 – Financial Statements for the period ending 31 January 2019 |

**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 12.4.1.

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 period 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 2018/19.

**STRATEGIC IMPLICATIONS:**

Nil.

**RECOMMENDATION:**

Monthly Financial Statements for the period ending 31 January 2019 be received.

**VOTING REQUIREMENTS:**

Simple Majority

|                             |  |
|-----------------------------|--|
| AGENDA NUMBER:              | 12.5   |
| SUBJECT:                    | Monthly Accounts for Payment - January 2019  |
| LOCATION/ADDRESS:           | Nannup Shire                                 |
| NAME OF APPLICANT:          | N/A  |
| FILE REFERENCE:             | FNC 8  |
| AUTHOR:                     | Robin Lorkiewicz –Corporate Services Officer |
| REPORTING OFFICER:          | Tracie Bishop – Manager Corporate Services   |
| DISCLOSURE OF INTEREST:     | None   |
| PREVIOUS MEETING REFERENCE: | None   |
| DATE OF REPORT:             | 19 February 2019                             |
| ATTACHMENT:                 | 12.5.1 – Accounts for Payment – January 2019 |

**BACKGROUND:**

The Accounts for Payment for the Nannup Shire Municipal Account fund and Trust Account fund from 1 January 2019 to 31 January 2019 as detailed hereunder and noted on the attached schedule, are submitted to Council.

**COMMENT:**

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

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

**Municipal Account**

|                                    |                        |                     |
|------------------------------------|------------------------|---------------------|
| Accounts paid by EFT               | 11268 – 11359          | 178,881.33          |
| Accounts paid by cheque            | 20340 – 20347          | 1,862.93            |
| Accounts paid by Direct Debit      | DD10375.1 – DD10375.15 | 65,326.27           |
| <i>Sub Total Municipal Account</i> |                        | <u>\$246,070.53</u> |

**Trust Account**

|                                |               |                   |
|--------------------------------|---------------|-------------------|
| Accounts paid by EFT           | 11310- 11311  | 957.21            |
| Accounts Paid by cheque        | 22809 - 22809 | 200.00            |
| <i>Sub Total Trust Account</i> |               | <u>\$1,157.21</u> |

**Total Payments**

**\$247,227.74**

**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 \$247,227.74 1 January 2019 to 31 January 2019 in the attached schedule(s) be endorsed.

**VOTING REQUIREMENTS:**

Simple Majority

# **LATE ITEM**

|                         |  |
|-------------------------|--|
| AGENDA NUMBER:          | 12.6                                       |
| SUBJECT:                | Community Group Request                    |
| LOCATION/ADDRESS:       | Reserve                                    |
| NAME OF APPLICANT:      | Nannup Golf Club                           |
| FILE REFERENCE:         |  |
| AUTHOR:                 | Tracie Bishop – Manager Corporate Services |
| REPORTING OFFICER:      | Tracie Bishop – Manager Corporate Services |
| DISCLOSURE OF INTEREST: |  |
| DATE OF REPORT:         | 27 February 2018                           |
| ATTACHMENTS:            | 12.6.1 - Letter from Nannup Golf Club      |

## **BACKGROUND:**

Mrs Lorraine Learmond has written to Council as Secretary for the Nannup Golf Club asking if Council would be prepared to purchase a three-point linkage mower on behalf of this organisation. The Nannup Golf Club would then reimburse Council for the total net cost of this purchase.

The reasoning behind this request is firstly that Council has a better purchasing ability than the golf club and secondly the golf club is not registered for GST and as such incurring this additional expense.

## **COMMENT:**

The Nannup Golf Club is a community run sporting group that encourages all ages of the community to keep active and social as a result of becoming involved with this sport. Recently it has begun having a ladies' competition as well as running junior golfing workshops. Additionally, the land that the club sits upon is part of land vested with the Shire of Nannup however all upkeep of this parcel i.e. fertilising and mowing is through the members of the golf club. It is therefore in Council's best interest to support this request as opposed to becoming responsible for the upkeep and the added cost and time restrictions this would impose.

The golf course itself is also used not only by the golf club members but also by community members who walk their dogs within this space and as a temporary camping ground for the Nannup Music Festival.

In terms of actual expense to Council this would be negligible. Council would purchase the piece of equipment on behalf of the organisation and then issue an invoice for purchase price minus GST. The GST portion would be included within Council's monthly return. Only cost to Council would be officer time in sourcing goods, issuing purchase order and processing the invoice(s).

**STATUTORY ENVIRONMENT:**

Nil.

**POLICY IMPLICATIONS:**

Nil.

**FINANCIAL IMPLICATIONS:**

Nil.

**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 request officers to:

1. Write to the Nannup Golf Club advising that Council is happy to support this request and will source and purchase a three-point linkage mower on behalf of the Nannup Golf Club.
2. Upon receiving the invoice from the supplier for the above piece of machinery Council will pay on behalf of the Nannup Golf Club and then issue an invoice for this expense minus GST to recoup the costs.

**VOTING REQUIREMENTS:**

Simple Majority

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

**13.1 OFFICERS**

Nil

**13.2 ELECTED MEMBERS**

Nil

**14. MEETING CLOSED TO THE PUBLIC**

(Confidential Items)

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

|                         |   |
|-------------------------|---|
| AGENDA NUMBER:          | 14.1  |
| SUBJECT:                | Acting Chief Executive Officer                              |
| LOCATION/ADDRESS:       | Shire of Nannup   |
| NAME OF APPLICANT:      | David Taylor  |
| FILE REFERENCE:         | Employee File   |
| AUTHOR:                 | David Taylor – Chief Executive Officer                      |
| REPORTING OFFICER:      | David Taylor – Chief Executive Officer                      |
| DISCLOSURE OF INTEREST: | Financial Interest – David Taylor – Chief Executive Officer |
| DATE OF REPORT          | 17 February 2019  |
| ATTACHMENTS:            | Nil   |

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

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

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

**17. CLOSURE OF MEETING**



# Agenda Attachments

| Item | Attach | Title   |
|------|--------|---|
| 8.1  |        | Shire of Nannup Ordinary Council Meeting Minutes – January 2019           |
| 9.1  |        | Shire of Nannup Audit Advisory Committee Minutes – 27 Nov 2018            |
| 9.2  |        | Shire of Nannup Bush Fire Advisory Committee Minutes – 4 Feb 2019         |
| 9.3  |        | Shire of Nannup Local Emergency Management Committee Minutes – 6 Feb 2019 |
| 12.1 | 1      | Register of Delegated Development Approvals                               |
| 12.2 | 1      | Compliance Return Audit 2018  |
| 12.4 | 1      | Financial Statements for the period ending 31 January 2019                |
| 12.5 | 1      | Accounts for Payment – January 2019                                       |
| 12.6 | 1      | Letter from Nannup Golf Club  |