



Agenda

Ordinary Council Meeting Thursday 22 February 2024

4.30 pm in Council Chambers, Nannup

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A G E N D A

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS/ACKNOWLEDGMENT 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:

Cr Cheryle Brown is on an approved leave of absence.

4.2 APPLICATION FOR A LEAVE OF ABSENCE:

5. CONFIRMATION OF MINUTES:

5.1 Shire of Nannup Ordinary Council Meeting – 25 January 2024

EXECUTIVE RECOMMENDATION:

That the Minutes from the Ordinary Meeting of Council held 25 January 2024 be confirmed as a true and correct record (attachment 5.1).

5.2 Shire of Nannup Bush Fire Advisory Committee – 5 February 2024

EXECUTIVE RECOMMENDATION:

That the Minutes from the Bush Fire Advisory Committee held 5 February 2024 be received (attachment 5.2).

5.3 Shire of Nannup Local Emergency Management Committee – 7 February 2024

EXECUTIVE RECOMMENDATION:

That the Minutes from the Local Emergency Management Committee held 7 February 2024 be received (attachment 5.3).

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 Disclosure of Interest Register is on our website [here](#).

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

Nil.

9. PRESENTATIONS/DEPUTATIONS/PETITIONS:

Nil.

10. REPORTS BY MEMBERS ATTENDING COMMITTEES:

11. REPORTS OF OFFICERS:

AGENDA NUMBER & SUBJECT:	11.1 – Development Application for a Change of Use from a Single House to a Holiday House
LOCATION/ADDRESS:	Lot 101 (#314) on DP31673 Chalwell Road, Carlotta
NAME OF APPLICANT:	Mark Donnelly
FILE REFERENCE:	A1451
AUTHOR:	Jane Buckland – Development Services Coordinator
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	5 February 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	<p>11.1.1 - Location map</p> <p>11.1.2 - Original information from the applicant</p> <p>11.1.3 - Submissions</p> <p>11.1.4 - Response from the applicant & Bushfire Prone Planning</p> <p>11.1.5 - Updated Bushfire Management Plan</p> <p>11.1.6 - Extract from the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></p>

BACKGROUND:

The Shire has received a Development Application from the owner of Lot 101 (#314) Chalwell Road, Carlotta for the change of use of an existing single house to a holiday house.

The site as shown in Attachment 11.1.1, is located on Chalwell Road approximately 4.3 kilometres from the intersection with Vasse Highway. The site is 3.026 hectares in area and contains a single house, shed, 2 water tanks and a dam.

Details of the proposal as provided by the applicant are shown in Attachment 11.1.2. These were the documents subject to public consultation and include a Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) prepared by Bushfire Prone Planning. In summary, the applicant proposes to convert the existing single house into a holiday house accommodating a maximum of eight persons for short term accommodation.

Consultation

The Shire administration undertook consultation by inviting public comment on the Development Application for a period of 42 days by writing to 16 adjoining/nearby landowners, Department of Biodiversity, Conservation and Attractions (DBCA), Department of Fire and Emergency Services (DFES) and the Carlotta Volunteer Bushfire Brigade, and placing details on the Shire's website.

The Shire received 2 submissions on the Development Application as outlined in Attachment 11.1.3.

The submission from DBCA advises that the subject site contains habitat suitable for threatened species (black cockatoos) and recommends that the applicant seeks advice from DBCA and the Department of Water and Environmental Regulation prior to undertaking any clearing of vegetation.

The submission from DFES raised issues with certain aspects of the BMP, in particular:

- a significant amount of Class A Forest would require modification in order to achieve a compliant Asset Protection Zone (APZ);
- the location does not provide for appropriate bushfire protection due to the extreme bushfire prone vegetation within 150m of the subject site;
- the location does not provide for vehicle access in two different directions from the subject site (Chalwell Rd is not a public through road); and
- it was not demonstrated that there was sufficient water supply for firefighting purposes.

DFES recommended that the bushfire management measures within the BMP be refined to ensure they were accurate and could be implemented to reduce the vulnerability of the proposed holiday house to bushfire.

In response to these submissions, the applicant has provided a letter along with a separate advice from Bushfire Prone Planning addressing the concerns, and an updated BMP as set out in Attachments 11.1.4 & 11.1.5.

Planning framework

The property is zoned 'Priority Agriculture' in the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*. The Council has the legal power under LPS4 to approve the Development Application for a change of use to a holiday house in the Priority Agriculture Zone. A holiday house is an 'A' use in the Priority Agriculture Zone as set out in the LPS4 Zoning Table meaning Council can approve the Development Application after first giving special notice in accordance with Clause 64 of the Deemed Provisions (seeking community and stakeholder comment).

LPS4 defines holiday house as 'a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.

The *Shire of Nannup Local Planning Strategy* states in Section 5.4 Tourism that its aims are to:

- a) Encourage the development of a wide range of tourist and recreation facilities, tourist accommodation and activities for visitors in appropriate locations within and near the Nannup townsite and in the rural areas of the Shire that appropriately address bushfire planning, environmental assets, landscape qualities and compatibility with adjoining land uses; and
- b) Encourage the establishment of businesses, which attract and promote the Nannup townsite and the Shire as a tourist destination.

The *Shire of Nannup Community Strategic Plan 2021-2036* identifies tourism as one of the strategic drivers, it seeks to attract more people to the district and it supports a diversified economic base.

Local Planning Policy *LPP12 Tourist Accommodation in Rural Areas* states that the Shire's objective is to approve high quality tourist accommodation in non-urban areas whilst conserving the rural character and primary production values of the District.

The entire property is located within a bush fire prone area as designated by the Fire and Emergency Services Commissioner and therefore is subject to *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)* and the *Guidelines for Planning in Bushfire Prone Areas*.

The *Guidelines for Planning in Bushfire Prone Areas* outline that the proposed holiday house is a 'vulnerable land use'. This includes uses, such as short stay accommodation or tourist development uses that involve people who are unaware of their surroundings, who may require assistance or direction in the event of a bushfire, and people who may be less able to respond in a bushfire emergency.

In summary, the above documents require effective natural resource management, addressing risk/safety and seeking to diversify the local economy including through supporting tourism.

Attachment 11.1.6 is an extract from the *Planning and Development (Local Planning Schemes) Regulations* which sets out matters to be considered by local government in assessing a Development Application.

COMMENT:

A) Overview

Following an assessment of the Development Application against the planning framework, submissions and information provided by the applicant, the Development Application is considered to be generally consistent with LPS4, strategies and policies.

It is recommended that Council conditionally approve the Development Application based on the plans in Attachment 11.1.2 given:

- It is overall consistent with the planning framework;
- It supports diversifying and growing the local economy and supports tourism;
- There are expected to be manageable environmental impacts;
- The proposed development is well separated from farming operations in the area;
- Increased traffic can be accommodated on local roads;
- There are no objections from neighbours;
- There are no objections from other Shire officers/units;

- Bushfire Prone Planning confirms that the proposal generally addresses *State Planning Policy 3.7 Planning in Bushfire Prone Areas* and the *Guidelines for Planning in Bushfire Prone Areas*; and
- Development conditions can assist to control the use and management of the development.

B) Key Issues

While noting the above, there are various issues associated with the proposed development which should be considered by the Council in determining the Development Application. Some of these issues are outlined below including:

- Bushfire risks and emergency management
- Traffic impacts
- Amenity impacts including noise
- Effective management of the holiday house.

Bushfire & Emergency Management

While the proposed development is fully contained within an existing dwelling, the occupation by potentially eight persons is considered to be at a scale that is not consistent with that of a typical residential dwelling. There is significant risk to guests staying at the property who may be unfamiliar with the area and unaware that bushfire poses a significant risk to people and properties in the area.

In assessing a proposal against the bushfire protection criteria contained in Appendix 4 of the *Guidelines for Planning in Bushfire Prone Areas*, for each element the intent must be demonstrated by addressing the relevant acceptable solutions. Where these acceptable solutions cannot be fully met, performance-based solutions can be developed to achieve the intent. The BMP identifies that the acceptable solutions to achieve the intent of Element 5: Vulnerable Tourism Land Uses cannot be fully met due to the location of the site on Chalwell Road.

Bushfire Prone Planning, through their BMP and BEP, consider the application sufficiently addresses State planning requirements with the exception of suitable vehicular access (refer to Attachment 11.1.5). As the applicant has no means to improve vehicular access, Bushfire Prone Planning recommend that early evacuation be the primary message for guests, and that on days of Extreme or Catastrophic fire danger that guests depart the property for the day or if there is a fire in the vicinity.

Subject to implementation and on-going review of the BMP and BEP, it appears that associated risks can be managed.

Given that the application otherwise addresses the relevant acceptable solutions, it is recommended that a condition be included requiring that the holiday house is not to operate in catastrophic conditions and informing guests as soon as possible not to arrive in Nannup in on days when catastrophic conditions exist.

Should Council approve the Development Application, there is a need for the applicant to implement recommendations in the BMP and BEP.

Traffic Impacts

Chalwell Road is a local road under the control of the Shire and is sealed. Based on Council's Local Planning Policy *LPP20 Developer and Subdivider Contributions*, State Government policy and legal principles, it is suggested that no financial contribution is required from the applicant to upgrade Chalwell Road. In summary, the traffic generation for the holiday house throughout the year will be lower than or similar to, that for a family living full-time on the property.

Amenity

The *Environmental Protection (Noise) Regulations 1997* apply to the site (and throughout Western Australia). Should written complaints on noise be received in the future, the Shire will separately investigate.

On-going Management

The applicant has advised that it is their intention to engage a suitable local property manager but until such time, they will be managing the property themselves. They will be contactable by neighbours and guests to deal with any issues that may arise.

There are several recommended development conditions that seek to minimise land use impacts and encourage appropriate neighbourly relations. This includes a recommended condition requiring the applicant/landowner to prepare, gain approval and effectively implement a Management Plan. The Management Plan, amongst matters, should address visitor behaviour and relevant management measures to avoid adverse impacts on the amenity of the area.

C) Conclusion

It is recommended that Council conditionally approve the Development Application given:

- it is consistent with the planning framework including that LPS4 enables the holiday home use in the Priority Agriculture Zone;
- it is a low-key use which is expected to have manageable off-site impacts;
- it supports diversifying the local economy and supports tourism;
- there are expected to be only modest environmental impacts as a Landscape Management Plan has been developed to guide clearing of the APZ and pets are not permitted;
- there are no objections from neighbours or other Shire officers/units;
- comprehensive Bushfire Management and Bushfire Emergency Plans are in place for the property; and
- development conditions can assist to control the use and management of the development.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015 and LPS4.

POLICY IMPLICATIONS:

Local Planning Policies are relevant in assessing the Development Application. Local Planning Policies are non-statutory documents which are designed to provide guidance to assist the Council in its decision making. Accordingly, the Council is not bound by the policies but is required to have regard to the policies in determining the Development Application. Relevant policies include *LPP12 Tourist Accommodation in Rural Areas, LPP20 Developer and Subdivider Contributions* and *LPP21 Bushfire Management*.

Additionally, there are various State Planning Policies which are relevant in assessing the Development Application including *SPP 3.7 Planning in Bushfire Prone Areas*.

FINANCIAL IMPLICATIONS:

The applicant has paid the Development Application fee. The applicant has a right of review to the State Administrative Tribunal to review the Council's decision. If this occurred, the Shire would have associated costs.

STRATEGIC IMPLICATIONS:

The proposed holiday house is considered consistent with aims of the Local Planning Strategy and is important to the development of tourism in the Shire of Nannup. The development has the potential to draw additional visitors to the Shire which supports local businesses and employment which is consistent with the *Shire of Nannup Community Strategic Plan 2021-2036*.

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council approve the Development Application for a change of use from a single house to a holiday house on Lot 101 on Deposited Plan 31673 (No. 314) Chalwell Road, Carlotta, subject to the following conditions:

1. This approval shall expire if the development hereby approved has not been substantially commenced within a period of two years from the date hereof, or within any extension of that time (requested in writing prior to the approval expiring) that may be granted by the local government. Where the Development Approval has lapsed, no further development is to be carried out.
2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application, addressing all conditions, or otherwise amended by the Shire and shown on the approved plans and these shall not be altered and/or modified without the prior knowledge and written consent of the local government.
3. Other than the owner/caretaker, no person is permitted to stay on the property for a period of more than 3 months in any 12 month period.
4. No more than 8 persons are to be accommodated in the holiday house at any one time.
5. An adequate on-site potable water supply is provided in accordance with the *Australian Drinking Water Guidelines 2004* prior to occupation.
6. A smoke alarm must be installed in the holiday house on or near the ceiling:
 - (i) in every bedroom; and
 - (ii) in every corridor or hallway associated with a bedroom or, if there is no corridor or hallway, in an area between the bedrooms and the remainder of the subject building.
7. A system of emergency lighting must be installed in the holiday house to assist evacuation of occupants in the event of fire and this lighting must:
 - (i) be activated by a smoke alarm(s) (required by the previous Condition); and
 - (ii) consist of:
 - a. a light incorporated within the smoke alarm(s) itself; or
 - b. lighting located within the corridor, hallway or area served by the required smoke alarm(s).
8. A Bushfire Management Plan is to be approved by the local government and then implemented prior to occupation of the holiday house. Following this, measures and recommendations in the approved Bushfire Management Plan are to be maintained to the satisfaction of the local government.
9. A Bushfire Emergency Plan is to be approved by the local government and then implemented prior to occupation of the holiday house. Following this, measures in the approved Bushfire Emergency Plan are to be maintained to the satisfaction of the local government.
10. A Bushfire Compliance Report confirming that the measures contained in the Bushfire Management Plan have been undertaken is to be provided to the local government prior to occupation of the holiday house.

11. The holiday house is not operate on catastrophic fire danger days where the Fire Behaviour Index (FBI) is likely to exceed FBI >100. Guests due to arrive at the holiday house on catastrophic fire danger days at to be directed as soon as possible not to arrive in Nannup.
12. The applicant is to submit and gain local government approval for a Management Plan, prior to occupation of the holiday house, which addresses the responsibility for the behaviour of clients/visitors and the management measures to be implemented to minimise adverse impacts on the amenity of the locality.
13. The applicant shall not erect any advertising or signage at the site without the prior approval of the Shire.
14. A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the Certificate of Title, at the full cost of the applicant, advising landowners that the property is located in a bushfire prone area, alerting landowners to the existence of the approved Bushfire Management Plan, and advising landowners of their obligations in respect to the use and ongoing management of the land.

Advice

- A) The applicant is advised that this Development Approval is not a Building Permit. A Building Permit must be formally applied for and obtained before the commencement of any site and/or development works.
- B) In relation to Condition 5, the Shire may require water samples to be taken and independently analysed. Should the Shire be required to arrange the testing, it will be at the cost of the applicant/operator.
- C) In relation to Conditions 8 and 9, these plans should be regularly reviewed to ensure they comply with best practice to assist in managing bushfire risk. As part of this, an Asset Protection Zone should always be permanently maintained around the holiday home.
- D) In relation to Condition 10, the report is to be prepared by a suitably accredited bushfire practitioner and is to demonstrate that the measures contained in Section 6 of the Bushfire Management Plan have been fully implemented.
- E) In relation to Condition 11, this is to reduce the likelihood of human exposure to bushfire by restricting occupation when the FBI is likely to exceed FBI 100. The site is within an extreme bushfire area and the applicant has a duty of care for the safety of all persons visiting and staying at the site from the harmful effects of a bushfire affecting the site.
- F) In relation to Condition 12, the Management Plan is to address matters including:
 - address the responsibility for client/visitor behaviour and management measures to be implemented to minimise adverse impact on the amenity of the locality;

- seek the operation to be a good neighbour and be considerate including noise, trespass and the approach to reducing fire risks;
 - consider and address impacts from guests/visitors including amplified music and other noise;
 - address trespass and litter;
 - not light any outside fires during periods of restricted and prohibited burning and bushfire warnings of any level;
 - adhere to all fire risk regulations with terms and conditions stipulating that no candles, sparklers, flame-based décor or open fires are to be used during the restricted fire season.
- G) In relation to Condition 12, the applicant is also to make appropriate arrangements, prior to commencement of the holiday house use, outlining how they will advise patrons of the Management Plan. This should include information provided on the website, social media platforms, tourist accommodation booking platforms and at the holiday house.
- H) In relation to Condition 13, some signs are exempt from development approval while other signs require a Development Application to the Shire. Please contact the Shire for further details.
- I) In relation to Condition 14, the notification is to state as follows:
“This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.”
- J) The applicant should ensure that a suitable Public Liability Insurance Policy is always maintained while the holiday home use is operating.
- K) The applicant is advised that the approved development must comply with all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911, Public Health Act 2016* and the Shire of Nannup Health Local Laws.
- L) The applicant is advised that clearing of native vegetation for the purposes of establishing an Asset Protection Zone may not be exempt from the requirement to obtain a clearing permit from the Department of Water and Environmental Regulation (DWER). The applicant should contact DWER before undertaking any clearing activities.
- M) The applicant should ensure that guests are considerate of neighbours at all times. In particular, activities should be especially low in volume between 7.00pm and 7.00am and are to comply with the *Environmental Protection (Noise) Regulations 1997*.
- N) If the applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

AGENDA NUMBER & SUBJECT:	11.2 - Audit and Risk Committee Terms of Reference
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	N/A
AUTHOR:	Dale Putland – Acting Executive Manager Corporate Services
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	8 February 2024
PREVIOUS MEETING REFERENCE:	Nil
ATTACHMENT:	11.2.1 - Audit and Risk Committee Terms of Reference

BACKGROUND:

The *Local Government Act 1995* (the Act) requires that all local governments establish an Audit Committee to assist them in fulfilling their governance and oversight responsibilities in relation to financial reporting, internal control, risk management, legislative compliance, and audit functions.

The audit committee plays a key role in enhancing the credibility and objectivity of the local government's financial and other reporting, as well as ensuring compliance with laws and regulations and best practice guidelines.

Recent changes to the Act and associated regulations have expanded the role of the Audit Committee in assisting the Chief Executive Officer (CEO) to review systems and procedures concerning risk management, internal control, and legislative compliance as per Section 17 of the *Local Government (Audit) Regulations 1996*. Changes have also expanded the membership of Audit Committee to include an external committee member who is qualified to assist the Audit Committee in fulfilling its functions.

COMMENT:

It is recommended that Council establish an Audit and Risk Committee (the Committee) in accordance with the Act.

The main features of the proposed Audit and Risk Committee are:

- The Committee will consist of eight members, with all seven Councillors and one external independent committee member appointed by Council.
- The external committee member will have expertise in financial management, reporting, risk management, governance, and audit (internal and external). In addition, the external committee member will possess strong communication skills and experience in providing independent expert advice.
- The external person will receive a nominal meeting fee and reimbursement for travel and training expenses in accordance with Shire policy.

- The Shire President will be the presiding member and the Deputy Shire President will be the deputy presiding member of the Committee.
- The Executive Manager Corporate Services will be the Executive Officer supporting the Committee. The Chief Executive Officer and other staff will not be members of the committee but will be available to attend meetings to provide advice and information to the committee.
- The Committee will meet at least twice per year and report to Council on its activities and make recommendations to Council. The committee will also liaise with the external auditor and review the annual audit plan, report, and management letter.
- The committee will provide guidance and assistance to Council on the following matters:
 - Carrying out functions of the local government in relation to audits;
 - The scope and objectives of the audit and the audit specifications;
 - Effectiveness of the local government's internal control system, risk management system and legislative compliance;
 - Preparation and adoption of the annual financial report and the annual compliance audit return;
 - The CEO's biennial reviews of the appropriateness and effectiveness of the local government's systems and procedures;
 - Any other matters related to the audit and financial management of the local government.

A full list of the functions of the Audit and Risk Committee are included in the Audit and Risk Committee Terms of Reference.

Establishment of an Audit and Risk Committee will enhance the governance and accountability and provide assurance to Council, the administration, and the community that the financial and other reporting, internal control, risk management and audit functions of the local government are operating effectively and efficiently.

STATUTORY ENVIRONMENT:

The relevant provisions of the Act and the regulations that relate to the establishment and functions of an audit committee are:

- Section 7.1A: Audit committee.
- Section 7.3: Appointment of auditors.
- Section 7.9: Audit to be conducted.
- Section 7.12A: Duties of local government with respect to audits.
- Local Government (Audit) Regulations 1996.

POLICY IMPLICATIONS:

The Audit and Risk Committee will be established by Council and operate under the Audit and Risk Committee Terms of Reference as per Attachment 11.2.1.

FINANCIAL IMPLICATIONS:

The External Independent Committee Member will receive a nominal fee per meeting attendance and will receive reimbursement for any travel and training expenses required by the Shire.

STRATEGIC IMPLICATIONS:

Our Council Leadership: A listening leadership that provides for and represents all.
6.2 We are one: To do what is right and fair for the people.

VOTING REQUIREMENTS:

Absolute Majority

OFFICER RECOMMENDATION:

That Council:

1. Establish an Audit and Risk Committee (the Committee) in accordance with the Local Government Act 1995 to operate under the Audit and Risk Committee Terms of Reference as per Attachment 11.2.1.
2. Authorise the Chief Executive Officer (CEO) to call for expressions of interest from suitably qualified people to be appointed as the External Independent Committee Member.

AGENDA NUMBER & SUBJECT:	11.3 – Payment of Accounts – January 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	N/A
FILE REFERENCE:	FNC 8
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	None
PREVIOUS MEETING REFERENCE:	None
DATE OF REPORT	13 February 2024
ATTACHMENT:	11.3.1 – Payment of Accounts – January 2024

BACKGROUND:

To advise Council of payments made for the period 1 January to 31 January 2024.

COMMENT:

Payments of \$385,483.22 as detailed in the payment of accounts listing for the period 1 January to 31 January 2024 as per Attachment 11.3.1 have been approved under delegated authority.

Municipal Account

Accounts paid by EFT	16624 - 16735	\$277,594.07
Accounts paid by cheque		\$0.00
Accounts paid by Direct Debit	12908.1 – 12995.21	<u>\$107,889.15</u>
<i>Sub Total Municipal Account</i>		<u>\$385,483.22</u>

Trust Account

Accounts paid by EFT	-	\$0.00
<i>Sub Total Trust Account</i>		<u>\$0.00</u>
Total Payments		<u><u>\$385,483.22</u></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 payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

Regulation 13A of the *Local Government (Financial Management) Regulations 1996*, requires a local government to prepare a list of payments made using the purchasing cards showing the payee's name; the amount of the payment; and sufficient information to identify the transaction and the date of the payment; this list is to be presented to council at the next ordinary meeting of the Council after the list is prepared.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

As indicated in Payment of Accounts.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple majority.

OFFICER RECOMMENDATION:

That Council notes the payment of accounts totalling \$385,483.22 for the period 1 January to 31 January 2024 as per Attachment 11.3.1.

AGENDA NUMBER & SUBJECT:	11.4 – Financial Activity Statement – January 2024
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 15
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	12 January 2024
ATTACHMENTS:	11.4.1 – Financial Activity Statement – January 2024

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 period ending 31 January 2024 present the financial performance of the Shire for the 2023/24 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 Report as per Attachment 11.4.1.

The document attached includes Statement 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:

That Council, in accordance with Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, receives the Financial Activity Statements for the period ending 31 January 2024 as per Attachment 11.4.1.

AGENDA NUMBER & SUBJECT:	11.5 – 2023 Compliance Audit Return
LOCATION/ADDRESS:	Not applicable
NAME OF APPLICANT:	N/A
FILE REFERENCE:	ADM 14
AUTHOR:	Sarah Dean – Governance, Risk & Assurance Officer
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	N/A
DATE OF REPORT:	7 February 2024
ATTACHMENT:	11.5.1 - 2023 Compliance Audit Return

PURPOSE OF REPORT:

To provide the Council with the Shire of Nannup's (Shire) 2023 Compliance Audit Return (CAR).

BACKGROUND:

Western Australian local governments are required to complete an annual Compliance Audit Return (CAR) in accordance with the provisions of the *Local Government (Audit) Regulations 1996 (Regulations)*.

The CAR is to be submitted to the Department of Local Government, Sport and Cultural Industries (Department) by 31 March 2024.

The period examined by this audit is 1 January 2023 to 31 December 2023. The completed return is required to be:

- Reviewed by the Audit Advisory Committee
- Considered and adopted by Council
- Certified by the Shire President and Chief Executive Officer following Council adoption, and
- Submitted together with a copy of the Council Minutes to the Department by 31 March 2024.

The CAR assists the Shire in monitoring legislative compliance by examining a range of prescribed requirements under Regulation 13 of the Regulations in detail.

The draft 2023 Compliance Audit Return is attached for the Council's review and endorsement before submission to the Department.

COMMENT:

A desktop audit was conducted to complete the 2023 CAR. All supporting evidence of compliance was extracted from the Shire's electronic content management (ECM). In instances where evidence could not be located in ECM, relevant officers were requested to provide necessary information.

The 2023 CAR comprised 94 questions, grouped into 11 categories of which the option is a Yes, No or Not Applicable response. The results of the 2023 Compliance Audit Return were as follows:

Category	No. of Questions In Category	Yes	No	Not Applicable
Commercial Enterprises by Local Governments	5			5
Delegation of Power/Duty	13	9		4
Disclosure of Interest	21	19	1	1
Disposal of Property	2	2		
Elections	3	3		
Finance	7	6		1
Integrated Planning and Reporting	3	3		
Local Government Employees	5			5
Official Conduct	4	4		
Optional Questions	9	9		
Tenders for Providing Goods and Services	22	2		20
TOTALS	94	57	1	36

The question that was a no response is detailed below relating to disclosures of interest:

Question 19 – Did the local government adopt additional requirements in addition to the model code of conduct? If yes, does it comply with section 5.104(3) and (4) of the *Local Government Act 1995*?

Comment – The adoption of additional requirements to the model code of conduct are not mandated in the *Local Government Act 1995* therefore the answer to the first part of the question is no. Section 5.104(3) of the *Local Government Act 1995* states that the local government “may” include additional requirements in the adopted code of conduct and therefore this question does not demonstrate non-compliance if the response is no.

STATUTORY ENVIRONMENT:

Section 7.13(1)(i) of the *Local Government Act 1995* requires local governments to carry out an audit of compliance with statutory requirements prescribed in the *Local Government (Audit) Regulations 1996*.

Regulation 13 of the *Local Government (Audit) Regulations 1996* sets out the statutory requirements which may be included in the compliance audit.

Regulation 14 provides that the Compliance Audit is for the period 1 January to 31 December in each year and that after carrying out the audit, the local government is to prepare a Compliance Audit Return in the form approved by the Minister for Local Government.

The local government's Audit Committee is then to review the Compliance Audit Return and report the results of that review to Council, for adoption.

Regulation 15 requires that after the Council has adopted the Return, it must be certified by the Shire President and the Chief Executive Officer and submitted to the Director General of the Department of Local Government, Sport, and Cultural Industries with a copy of the relevant Council Minutes, by 31 March following the period to which the return relates.

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENTS:

Simple Majority.

OFFICER RECOMMENDATION:

That with respect to the 2023 Compliance Audit Return, Council:

1. Endorse the 2023 Compliance Audit Return as per Attachment 11.5.1; and
2. Submit a certified copy to the Director General of the Department of Local Government, Sport, and Cultural Industries.

AGENDA NUMBER & SUBJECT:	11.6 - Objection to the proposal by the Department of Mines, Industry Regulation and Safety to impose a fee to object to a Mining Tenement
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	TPL15
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 February 2024
ATTACHMENT:	Attachment 11.6.1 - Letter of Submission to Department of Mines, Industry Regulation and Safety

BACKGROUND:

The *Mining Act of 1978* has long provided a mechanism for concerned stakeholders, including local communities and environmental organizations, to voice their objections to mining activities that may have adverse effects on their interests. This mechanism has been a critical tool in ensuring that mining operations are conducted responsibly and in accordance with the law.

However, the Department of Mines is currently considering the introduction of a prescribed fee for lodging objections under this Act. The rationale behind this proposal, as stated by the department, is to cover administrative costs and deter frivolous objections. While these objectives may seem reasonable on the surface, we believe that this move would have far-reaching negative consequences that outweigh any potential benefits.

COMMENT:

The Mining Act of 1978 is intended to ensure that mining activities are carried out in a transparent and accountable manner. Public objections are a vital part of this process, as they help identify potential issues, risks, and non-compliance with regulations. Imposing a fee could deter legitimate objections, leading to less scrutiny of mining operations and potentially putting the environment and public interests at risk. One of the fundamental principles of a democratic society is that individuals and communities should have access to fairness. Charging an exorbitant prescribed fee for lodging objections effectively creates a financial barrier that may prevent many individuals and organizations from participating in the process.

Upon further discussion with DMIRS officers before the consultation period closed, the CEO discovered that the main reason for the DMIRS proposal was due to the issue being caused by other mining companies making numerous objections as a competitor in the market and vexatious objections. It was explained that the way their proposed amendments are written

had unintended consequences impacting community and landowner rights to a legitimate submission. The comment made to the CEO was that simply objecting for them to have no fee would unlikely make any meaningful amendments to the proposal and that it would be better to provide an alternative set of fees for DMIRS consideration.

The contents of the submission included:

Thank you for the opportunity to provide a submission to the proposed amendment to the Mining Regulations 1981 to introduce a prescribed fee of \$859 for lodgement of objections under the Mining Act 1978.

Over recent years, the Nannup community has become more aware of mining activities and are taking a higher level of interest in those that are up for consultation, lodging objections and or lodging support.

There are a number of concerns that the Shire has with the proposed \$859 fee for lodging objections as part of the Mining Amendment Act (No.2) 2022.

1. Value of the Fee.

The fee is far too high. It is understood that Department of Mines, Industry Regulation and Safety (DMIRS) are attempting to install a flat fee for all, whether the submitter be a large company, small business, landowners, residents, impacted landowner, government body or any other form of entity/person. This approach is wrong as it is not affordable for the average resident, small business entity and small local governments.

It is suggested that a non-standard fee system is applied as per the following;

a) Directly impacted landowners, such as those who an application impacts directly on their property either being on their property or on a neighbouring property to an application area. These landowners should be able to make an objection at no cost.

b) Non-directly impacted members of the public should be able to make an objection for a nominal set fee of \$20 per application and be limited to one objection for application.

c) Local Government bodies and small business owners should be able to make an objection to an application for a set fee of \$100 per application.

d) Large businesses who are not mining companies should be able to make an objection to an application for a set fee of \$500 per application.

e) Mining companies of small size should be made to make an application for a set fee of \$1,000 per application.

f) Mining companies of small size should be made to make an application for a set fee of \$3,000 per application.

2. Equal Fees for both objectors and supporters.

The exact same fee structure as listed in part 1 should be implemented for all lodgements whether they object or support the application.

The proposed DMIRS fee structure sends the message that DMIRS want to make it as difficult as possible for objectors to make submissions and as easy as possible for supporters to make submissions, whether this was intended or not, this is the message that is being sent in the current proposal.

I believe that the above alternative proposals would provide better government leadership through a fairer and transparent process with equal rights for both objectors and supporters and ensuring that communities are genuinely heard during applications.

This letter was submitted to DMIRS on 21 November 2023.

STATUTORY ENVIRONMENT:

Mining Amendment Act (No.2) 2022

POLICY IMPLICATIONS:

ADM 26 – Mining Tenement Communication

FINANCIAL IMPLICATIONS:

Nil to make the submission.

If the proposed amendments from the Department of Mines, Industry Regulation and Safety is passed then this will have an impact on any objection raised by the Shire of Nannup.

STRATEGIC IMPLICATIONS:

Extract Strategic Community Plan 2021 – 2036

Our Shire
6.2 – Working together
6.3 – We are one

VOTING REQUIREMENTS:

Simple Majority

OFFICER RECOMMENDATION:

That Council receive the submission made to the Department of Mines, Industry Regulation and Safety in November 2023 objecting to their proposed imposition of a fee to object to a Mining Tenement.

AGENDA NUMBER &SUBJECT:	11.7 – Sponsorship Request – SEVEN Gravel Race – Union Cycliste Internationale (UCI) Series
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	EVE 6
AUTHOR:	Nicole Botica - Economic and Community Development Coordinator
REPORTING OFFICER:	David Taylor - Chief Executive Officer
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	13 February, 2024
ATTACHMENTS:	11.7.1 - Event Sponsorship Proposal SEVEN Gravel Race 2024

BACKGROUND:

The Shire of Nannup has developed a DRAFT Sponsorship program. The program is determined by the sponsorship investment from the Shire both finically and in-kind. It proposes four funding streams, Bronze, Silver, Gold or Platinum. The proposal has an emphasis on Economic or Community focused events.

Economic focused events bring visitation and generate economic benefits to Nannup because of their event, such as local spend, job creation, visitor spend and the like.

Community focused events bring the Nannup community together and provide free or low-cost experiences/activities, social benefits, cultural diversity and inclusion.

To ensure the program is purpose driven it has been distributed for comment to the organisers of the larger events that regularly occur within the Shire of Nannup.

The SEVEN Gravel Race inaugural event was held in Nannup in 2018 and has occurred every year since then, with a date change in 2020 from May to September as a result of the COVID lockdowns.

Nannup will host the 2026 UCI World Championships in Nannup over two dates in May and October and is predicted to attract up 25,000 people to Nannup and the South West.

The 2024 SEVEN Gravel Race – UCI World Series has been used to test the application process and eligibility criteria. Cycling Eventures WA have submitted a request for sponsorship for council consideration for this year’s event. Please refer to attachment 11.7.1 for more detail about the request.

COMMENT:

SEVEN Gravel Race – UCI Gravel World Series ('SEVEN') is one of the most complex routes ever contrived for a bike event in Australia. The nature and length of the route make for a significant logistical challenge to negotiate participants around safely. The course leaves Nannup and loops around the Nannup Balingup Road on a labyrinth of high-quality gravel roads before returning to Nannup 125km later.

SEVEN is a cross country gravel event for cyclists, launched from the township of Nannup and travelling through forests and plantation areas bordering the Balingup-Nannup Road. With a distance of 125km and around 3400 metres of climbing across seven geographical sectors, SEVEN is classified as an endurance event. Riders have 10 hours in which to complete the course, which is divided into seven sectors. Each sector will take riders through a specific area of natural forest or pine plantation along existing gravel roads. The Balingup-Nannup Road provides the "spine" for the event, with riders crossing the road at transition points between sectors.

SEVEN is one of only two Australian qualifier events in the new TREK UCI Gravel World Series. There are now twenty-five events across the world in which the top 25% in each age and gender category qualify for the UCI Gravel World Championships in October, with the coveted rainbow jersey as the ultimate goal. (ucigravelworldseries.com)

The event coordinators are seeking to request GOLD level package to support the expansion of the race coverage (live feed) and production of race highlights video, which will showcase Nannup to the world, in preparation for hosting the UCI Gravel World Championships in 2026.

The event has a local spend policy supporting food vendors and large plant hire. They use local personnel to support operations including local clubs, groups, and business.

In 2023 the economic impact was measured through a SurveyMonkey Evaluation Survey and identified attendee numbers as:

- Riders 1368
- Spectators ≈1400
- Officials/VIPs 5
- Crew/volunteers 85

TOTAL: 2858

	Locals	Intrastate visitors (non-local area)	Interstate visitors	International visitors	Totals
Visiting specifically	(136+136+30) 302	(1130 +1264+52+4) 2450	(67+3) 70	(35+1) 36	2858
Average daily spend (accommodation, food, activities costs)	n/a	200	200	200	n/a
Average length of stay (number of days)	n/a	2	3	4	n/a
Totals	n/a	980,000	42,000	28,800	n/a
Grand total		<i>\$1,050,800</i>			n/a

The above figures were obtained through the RaceResult registration platform and our SurveyMonkey Rider Evaluation Survey.

STATUTORY ENVIRONMENT:

Nil

POLICY IMPLICATIONS:

FNC 3 – Community Groups and Donations

FINANCIAL IMPLICATIONS:

Gold sponsorship is up to \$10,000 in value with a minimum applicant contribution of \$1000. The event must demonstrate;

- The potential for international recognition;
- Be an annual or single event;
- Local participation for community life;
- Provide opportunities for media exposure;
- Hyperlocal marketing into the region; and
- Showcase facilities and attractions within the Shire of Nannup.

STRATEGIC IMPLICATIONS:

OUR COMMUNITY: We role model sustainability, friendliness, and we are proud of and engage with our heritage, festivals and events.

1.1 Who We Are

We will retain our pride in being a small, unique and friendly town that is a vibrant and engaging place to live.

OUR ECONOMY: Well planned, managed, sustained growth is the key to Nannup's future.

2.2 Tourism and Attraction

We will work together to attract people, investment and innovation to our Shire

VOTING REQUIREMENTS:

Absolute Majority.

OFFICER RECOMMENDATION:

That Council;

Approve the proposal for Gold Sponsorship of the 2024 SEVEN Gravel Race subject to the below conditions and use this as an opportunity to develop a three-year agreement to support the growth of this event in anticipation of the 2026 World Championships.

- Acknowledgement at the base of all print and electronic material for the event (Shire of Nannup logo and Experience Nannup logo).
- Acknowledgement of sponsorship in all formal correspondence (press releases, email signatures, landing page website).
- Display 4 x Shire teardrop banners in the main event location.
- Use of 2 x Shire display tent/gazebo in the event village.
- 4 x Complimentary Entry tickets (if applicable).
- Post-event report demonstrating the positive outcomes for the Nannup community.
- Post-event acquittal report (including financial).
- Event registered on the Experience Nannup App.
- Minimum of 5 social media posts acknowledging the Shire of Nannup in the lead-up to the event.
- Verbal acknowledgements through the Public Announcement system during the event.
- Event photography available for the Shire of Nannup to use for promotional purposes.

AGENDA NUMBER & SUBJECT:	11.8 – Mid-Year Budget Review for the period ended 31 December 2023
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	Shire of Nannup
FILE REFERENCE:	FNC 3
AUTHOR:	Robin Lorkiewicz – Finance Coordinator
REPORTING OFFICER:	Dale Putland – Acting Executive Manager Corporate Services
DISCLOSURE OF INTEREST:	Nil
DATE OF REPORT:	9 February 2024
ATTACHMENTS:	11.8.1 – Budget Review Report for the period ended 31 December 2023

PURPOSE:

To report to Council the results of the 2023/24 budget review for the six months between 1 July 2023 and 31 December 2023.

BACKGROUND:

The budget review has been prepared to include information required by the *Local Government Act 1995*, *Local Government (Financial Management) Regulations 1996* and Australian Accounting Standards. The report for the period 1 July 2023 to 31 December 2023 shown in the attachment has been prepared incorporating year to date budget variations and forecasts to 30 June.

Consideration of the status of various projects and programs was undertaken to ensure any anticipated variances were captured within the review document where possible.

COMMENT:

The budget review report includes a summary of predicted variances contained within the Statement of Financial Activity at Note 4, including whether variances are considered to be permanent (where a difference is likely between the current budget and the expected outcome to 30 June) or due to timing (e.g. where a project is likely to be delayed).

The budget review considers the impact of estimated projections as at 30 June 2024. Some items have been identified as requiring a budget amendment to properly account for variances, where appropriate. Required budget amendments have been included in Note 5 of the attached budget review document for information, and also presented as a separate recommendation to the budget review for Council consideration.

STATUTORY ENVIRONMENT:

Local Government (Financial Management) Regulations 1996, Regulation 33A.

Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, states:

“(1) Between 1 January and the last day of February in each financial year a local government is to carry out a review of its annual budget for that year.

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

- (a) consider the local government’s financial performance in the period beginning on 1 July and ending no earlier than 31 December in that financial year; and*
- (b) consider the local government’s financial position as at the date of the review; and*
- (c) review the outcomes for the end of that financial year that are forecast in the budget.*
- (d) Include the following –*
 - (i) the annual budget adopted by the local government;*
 - (ii) an update of each of the estimates included in the annual budget;*
 - (iii) the actual amounts of expenditure, revenue and income as at the date of the review;*
 - (iv) adjacent to each item in the annual budget adopted by the local government that states an amount, the estimated end of year amount for the item.*

(2) The review of an annual budget for a financial year must be submitted to the council on or before 31 March in that financial year.

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

**Absolute majority required.*

(4) Within 14 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.”

POLICY IMPLICATIONS:

Nil.

FINANCIAL IMPLICATIONS:

The 2023/24 adopted Budget provided for a surplus position of \$0. The revised budget predicts a \$0 overall impact on the end of year position.

STRATEGIC IMPLICATIONS:

Nil.

VOTING REQUIREMENT:

Absolute Majority.

OFFICER RECOMMENDATION:

1. That Council, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, receives the Budget Review Report for the period ended 31 December 2023, attached as Attachment 11.8.1.
2. That Council adopts the amendments to the 2023/2024 Budget as detailed in Attachment 11.8.1.

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN:

13. MEETING MAY BE CLOSED:

AGENDA NUMBER & SUBJECT:	13.1 - CONFIDENTIAL ITEM – Application for Leave and Employment Conditions
LOCATION/ADDRESS:	Shire of Nannup
NAME OF APPLICANT:	David Taylor – Chief Executive Officer
FILE REFERENCE:	Employee File
AUTHOR:	David Taylor – Chief Executive Officer
REPORTING OFFICER:	David Taylor – Chief Executive Officer
DISCLOSURE OF INTEREST:	David Taylor – Chief Executive Officer
DATE OF REPORT	17 February 2024

** The Chief Executive Officer has declared a financial interest in this item as it relates to Conditions of Employment and will leave the room.

14. CLOSURE OF MEETING:

Attachments

Item #	Attach	Title
5.1		25 January 2024 Shire of Nannup Ordinary Council Meeting Minutes
5.2		5 February 2024 Bush Fire Advisory Committee Minutes
5.3		7 February 2024 Local Emergency Management Meeting Minutes
11.1	1	Location map
	2	Original information from the applicant
	3	Submissions
	4	Response from the applicant & Bushfire Prone Planning
	5	Updated Bushfire Management Plan
	6	Extract from the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
11.2	1	Audit and Risk Committee Terms of Reference
11.3	1	Payment of Accounts – January 2024
11.4	1	Financial Activity Statement – January 2024
11.5	1	2023 Compliance Audit Return
11.6	1	Letter of Submission to the Department of Mines, Industry Regulation and Safety
11.7	1	Event Sponsorship Proposal SEVEN Gravel Race 2024
11.8	1	Budget Review Report for the period ended 31 December 2023